

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CXLVII.

An Act for enabling Spiritual Perſons to exchange the Parſonage or Glebe Houſes or Glebe Lands, belonging to their Benefices, for others of greater Value, or more conveniently ſituated for their Reſidence and Occupation; and for annexing ſuch Houſes and Lands, ſo taken in Exchange, to ſuch Benefices as Parſonage or Glebe Houſes and Glebe Lands, and for purchaſing and annexing Lands to become Glebe in certain Caſes, and for other Purpoſes. [6th *July* 1815.]

WHEREAS in divers Eccleſiaſtical Benefices, Perpetual Curacies, and Parochial Chapelries, the Glebe Lands, or ſome Part or Parts thereof, lie at a Diſtance from and are inconvenient to be occupied with the Parſonage or Glebe Houſes, and the Parſonage or Glebe Houſes of divers Benefices, Perpetual Curacies, and Parochial Chapelries, are mean and inconvenient; and it would often tend much to the Comfort and Accommodation and thereby alſo to promote the Reſidence of the Incumbents of ſuch Benefices, Perpetual Curacies, and Parochial Chapelries, if the Glebe Lands and Parſonage or Glebe Houſes thereof could be by Law exchanged for other Lands of greater Value, or more conveniently ſituated, and for other and more convenient Houſes: And whereas there are alſo divers Lands and Tenements which have been accuſtomed to be granted or demiſed by the Incumbent for the Time being of certain Eccleſiaſtical Benefices, Perpetual Curacies, or Parochial Chapelries, for One, Two, or Three Lives, or for a Term or Terms of Years abſolutely or determinable on a Life or Lives, as being holden by Copy of Court Roll or otherwiſe, under ſome Manor or Lordſhip belonging to ſuch Benefices, Perpetual Curacies, or Parochial Chapelries, and it would therefore be advantageous to the ſaid Benefices if the ſame Lands and Tenements, or ſome of them, or ſome Part thereof, were annexed as Glebe to the Living or Benefice to which they belong:

belong: 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,

Power to exchange Parſonage Houſes and Glebe Lands for other Houſes and Lands.

That from and after the paſſing of this Act it ſhall be lawful for the Parſon, Vicar, or other Incumbent for the Time being, of any Eccleſiaſtical Benefice, Perpetual Curacy, or Parochial Chapelry, by Deed indented, and to be regiſtered in Manner herein-after mentioned, and with the Conſent of the Patron of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, and of the Biſhop of the Dioceſe wherein the ſame is locally ſituate, (to be ſignified as herein-after is mentioned), to grant and convey to any Perſon or Perſons, and to his, her, or their Heirs and Aſſigns, or otherwiſe, as he or they ſhall direct or appoint, or to any Corporation, Sole or Aggregate, and his or their Succeſſors, the Parſonage or Glebe Houſe, and the Outbuildings, Yards, Gardens, and Appurtenances thereof, and the Glebe Lands, and any Paſtures, Feedings, or Rights of Common or Way appendant, appurtenant, or in groſs, or any or either of ſuch Houſe, Outbuildings, Yards, Gardens, and Glebe Lands, Paſtures, Feedings, or Rights of Common or Way, or any Part or Parts thereof, belonging to any ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, in lieu of and in exchange for any Houſe, Outbuildings, Yards, Gardens, and Appurtenances, and any Lands, or any or either of them, whether lying within the local Limits of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry or not, but ſo as that the ſame be ſituate conveniently for actual Reſidence or Occupation by the Incumbent thereof, the ſame alſo being of greater Value or more conveniently ſituated than the Premiſes ſo to be given in Exchange, and being of Freehold Tenure, or being Copyhold of Inheritance, or for Life or Lives, holden of any Manor belonging to the ſame Benefice, and alſo for the Parſon, Vicar, or Incumbent for the Time being of the ſame Benefice, Perpetual Curacy, or Parochial Chapelry, by the ſame or a like Deed, and with the like Conſent, and teſtified as aforeſaid, to accept and take in Exchange to him and his Succeſſors for ever, from any Perſon or Perſons, or Corporation Sole or Aggregate, any other Houſe, Outbuildings, Yards, Gardens, Eaſements, and Appurtenances, and any other Lands, or any or either of ſuch Houſe, Outbuildings, Yards, Gardens, Lands, Eaſements, and Appurtenances, the ſame reſpectively being of Freehold Tenure, or being Copyhold of Inheritance, or for Life or Lives, holden of any Manor belonging to the ſame Benefice, and being of greater Value or more conveniently ſituated, in lieu of and in Exchange for ſuch Parſonage or Glebe Houſe, Outbuildings, Yards, Gardens, Glebe Lands, and Appurtenances, and ſuch Paſtures, Feedings, and Rights of Common or Way, or any or either of them, ſo to be granted and conveyed, and which ſaid Houſe, Outbuildings, Yards, Gardens, Lands, and Appurtenances ſo to be accepted and taken in Exchange, by any Parſon, Vicar, or other Incumbent, ſhall for ever, from and after ſuch Grant and Conveyance thereof, be the Parſonage and Glebe Houſe and Glebe Lands and Premiſes of the ſaid Benefice, Perpetual Curacy, or Parochial Chapelry, to all Intents and Purpoſes whatſoever, and ſhall become annexed to the ſaid Benefice, Perpetual Curacy, or Parochial Chapelry, to all Intents and Purpoſes whatſoever, and be holden and enjoyed by ſuch Incumbent and his Succeſſors accordingly, without any Licence or Writ of *Ad quod damnum*; and that the Whole, or any Part or Parts of the ſaid Houſe, Outbuildings, Lands, and Premiſes ſo to be annexed, which before ſuch Annexation were of Copyhold Tenure, ſhall for ever, from and after ſuch Annexation, become and be of Freehold Tenure, the Statute of Mortmain, or any other

Statute or Law to the contrary notwithſtanding: Provided always, that nothing in this Act contained ſhall extend, or be conſtrued to authorize the granting or conveying in Exchange by any Parſon, Vicar or other Incumbent, either at one and the ſame Time, and by one and the ſame Incumbent, or at different Times, and by ſeveral Incumbents, and in ſeveral Portions, any greater Quantity in the whole than Thirty Statute Acres of the Glebe Lands of any Benefice, Perpetual Curacy or Parochial Chapelry: Provided alſo, that in all Caſes when ſuch Exchange ſhall be made by any Owner or Owners having any leſs Eſtate or Intereſt than in Fee Simple of or in the Meſſuage, Buildings, Lands and Premiſes ſo to be by him, her, or them granted or conveyed in Exchange, or being any Corporation Aggregate or Sole, or Perſon or Perſons under any legal Diſability, the Parſonage Houſe, Outbuildings and Glebe Lands reſpectively to be ſo taken in Exchange as aforeſaid, ſhall at the Time of making ſuch Exchange be of equal Value with, or not of leſs Value than the ſaid Meſſuage, Buildings, Lands and Premiſes reſpectively ſo to be granted and conveyed in Exchange to ſuch Parſon, Vicar, or other Incumbent.

Premiſes given in Exchange to be ſubject to the ſame Tithes, &c. as thoſe taken in Exchange (except in certain Caſes).

II. Provided always, That in all Caſes where the Lands or any Part or Parts thereof to be conveyed in Exchange to any Parſon, Vicar, or Incumbent, and to be annexed as Glebe to any Benefice, Perpetual Curacy, or Parochial Chapelry, under the Authority of this Act, ſhall either ſeparately or jointly with other Lands or Tenements be, at the Time of ſuch Conveyance by any Means whatſoever, exempt or diſcharged from the Render of Tithes in Kind, or ſubject to or covered by any Modus, Compoſition Real, or Preſcription in lieu of Tithes in Kind, then the Lands or Premiſes to be conveyed in Exchange by ſuch Parſon, Vicar, or Incumbent, and which before ſuch Exchange were Glebe of or belonging to the ſame Benefice, Perpetual Curacy, or Parochial Chapelry, ſhall (unleſs it be agreed between the Parties to ſuch Exchange that the ſame ſhall become and be ſubject to the Render or Payment of Tithes in Kind) from and immediately after ſuch Conveyance in Exchange (in caſe ſuch firſt mentioned Lands are ſituate in the ſame Pariſh, Vicarage, or Parochial Chapelry, with the ſaid Lands or Premiſes before Glebe thereof, or belonging thereto, but not otherwiſe) become and be either exempt or diſcharged from Tithes in Kind, in like Manner with or (as the Caſe may be) ſubject to or covered by the ſame Modus, Compoſition Real, or Preſcription in lieu of Tithes in Kind, as the Lands ſo to be conveyed in Exchange to the ſaid Parſon, Vicar, or Incumbent, were exempt or diſcharged from, or ſubject to, or covered by, before ſuch Exchange was made.

After the Exchange the Incumbent not to be evicted.

III. Provided alſo, and be it further enacted, That no Incumbent of any Benefice, Perpetual Curacy, or Parochial Chapelry, wherein or in reſpect whereof any ſuch Exchange as is authorized by this Act ſhall have taken place, or his Succeſſors, ſhall at any Time thereafter be evicted or ejected from the peaceable and quiet Poſſeſſion and Enjoyment of the Houſe, Out-buildings, Land, and Premiſes, or any of them, which ſhall have been granted and conveyed in Exchange to ſuch Incumbent, according to the Proviſions of this Act, by or by reaſon or in conſequence of any Perſon or Perſons, or Corporation Sole or Aggregate, claiming Right thereto, through any Title prior to that of or through any Defect of Title of the Perſon or Perſons, or Corporation Sole or Aggregate, granting or conveying the ſame in Exchange; but nevertheleſs that it ſhall and may be lawful for ſuch Perſon or Perſons, or Corporation, claiming ſuch Right, and he, ſhe, or they is and are hereby authorized and empowered to have, uſe, exerciſe,

exercise, and enjoy all such and the same Powers and Remedies in trying his, her, or their Right to and in obtaining and recovering Possession of any House, Out-buildings, Land, and Premises, or any of them, which shall have been granted in Exchange by any such Incumbent, as the Person or Persons, or Corporation Sole or Aggregate, so claiming would, in case this Act had not been made, have been enabled to use, exercise, and enjoy in trying the Right to and in recovering and obtaining Possession of the House, Out-buildings, Land, and Premises, or any of them, in Exchange for which the same shall have been so granted and conveyed by any such Incumbent, under the Authority of this Act.

Power to annex Premises belonging to Manors, and heretofore grantable and demisable as Copyhold or otherwise.

IV. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the Parson, Vicar, or other Incumbent of any Ecclesiastical Benefice, Perpetual Curacy, or Parochial Chapelry, of or to which Benefice, Perpetual Curacy, or Parochial Chapelry, any Manor or Lordship is Parcel or appurtenant, and as Parcel of or belonging to which Manor or Lordship any Lands or Tenements are or have been usually granted or demised, or grantable or demisable by Copy of Court Roll, or otherwise, for any Life or Lives, or for any Term or Number of Years absolutely or determinable on any Life or Lives, by Deed indented (and to be registered as herein-after mentioned) with the Consent of the Patron and Bishop (to be testified as herein-after mentioned) to annex to the said Benefice, Perpetual Curacy, or Parochial Chapelry, as and for Glebe Land, or Parsonage or Glebe House or Houses and Buildings thereof, all or any Part or Parts of such Lands or Tenements, whether lying within the local Limits of such Benefice, Perpetual Curacy, or Parochial Chapelry, or not, and that from and after such Annexation the said Lands and Tenements so annexed shall cease to be thereafter grantable or demisable by any Incumbent of the said Benefice, Perpetual Curacy, or Parochial Chapelry, (otherwise than as Glebe Lands are or shall be by Law grantable or demisable), but shall from thenceforth be and become, and be deemed and taken to be the Glebe Lands and Parsonage or Glebe House or Houses of and annexed to such Benefice, Perpetual Curacy, or Parochial Chapelry, for ever, to all Intents and Purposes whatsoever, without any Licence or Writ of *Ad quod damnum*, the Statute of Mortmain, or any other Statute or Law to the contrary notwithstanding: Provided always, that no such Annexation shall in anywise annul, determine, or affect any Grant or Demise then previously made and actually existing of the said Lands and Tenements so to be annexed as last aforesaid.

Such Annexations not to annul existing Grants or Demises.

Power to annex Parsonage Houses, &c. by Benefaction.

V. And whereas it is expedient to enlarge and amend the Laws now in being for providing Parsonage Houses with suitable Outbuildings and other Accommodations for the Residence of the Clergy, by way of Benefaction, be it further enacted, That where there shall be no existing Parsonage or Glebe House on any Ecclesiastical Benefice, Perpetual Curacy, or Parochial Chapelry, or where the existing Parsonage or Glebe House, or the Outbuildings thereof, on any such Benefice, Perpetual Curacy, or Parochial Chapelry, shall be inconvenient or too small or incommodiously situate, it shall be lawful from and after the passing of this Act for any Person or Persons, being Owners in Fee Simple, or for any Corporation Sole or Aggregate, with or without Confirmation, as the Case may require, and by and with such Consent, and to be signified as herein-after mentioned of the Incumbent, Patron, and Bishop, to give, grant, and convey, by Deed indented, and to be registered as herein-after is mentioned to any

Parſon, Vicar, or other Incumbent of ſuch Benefice, Curacy, or Chapelry, for the Time being, who ſhall alſo have Power to accept the ſame, any Meſſuage, Outbuildings, Yard, Garden, Orchard, and Croft, or any of them, with their Appurtenances, or any Right of Way, or other Eaſement, whether lying within the local Limits of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry or not, but ſo as that the ſame be conveniently ſituate for actual Reſidence or Occupation by the Incumbent thereof; and which Meſſuage, Outbuildings, Yard, Garden, Orchard, and Croft, with their Appurtenances or Right of Way, or other Eaſement, ſhall for ever from and after ſuch Grant and Conveyance thereof be and become annexed to and be deemed and taken to be the Parſonage or Glebe Houſe, Outbuildings, Yard, Garden, Orchard, Croft, Appurtenances, and Right of Way, or other Eaſement of the ſaid Benefice, Curacy, or Chapelry, to all Intents and Purpoſes whatſoever, and be holden and enjoyed by the ſaid Incumbent and his Succeſſors accordingly, without any Licence or Writ of *Ad quod damnum*, the Statute of Mortmain, or any other Statute or Law to the contrary notwithſtanding; and from and after ſuch Grant and Annexation it ſhall be lawful for the Incumbent for the Time being of the ſaid Benefice, Curacy, or Chapelry, to which ſuch Grant and Annexation ſhall have been made, (with the Conſent in Writing of ſuch Patron and Biſhop under their Hands and Seals to be duly regiſtered as herein-after is mentioned), to take down and remove any Parſonage or Glebe Houſe, and Outbuildings, or any Part thereof, which before ſuch Annexation belonged to the ſaid Benefice, Curacy, or Chapelry, (if the ſame or Part thereof cannot be better applied to the permanent Advantage of ſuch Benefice, Curacy, or Chapelry), and with the like Conſent as aforeſaid, to apply the Materials, or the Produce thereof, if ſold, towards ſome laſting Improvement of the ſaid Benefice, Curacy, or Chapelry: Provided always, that nothing herein contained ſhall extend to enable any Perſons being Infants or Lunatics, or Femes Covert without their Huſbands, to make any ſuch Gift, Grant, or Conveyance; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Recital of Statute 17 G. 3. c. 53.

VI. And whereas an Act was paſſed in the Seventeenth Year of the Reign of His preſent Majeſty, intituled *An Act to promote the Reſidence of the Parochial Clergy, by making Proviſion for the more ſpeedy and effectual building, re-building, repairing, or purchaſing Houſes, and other neceſſary Buildings and Tenements, for the Uſe of their Benefices:* And whereas one other Act was paſſed in the Twenty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act to explain and amend an Act made in the Seventeenth Year of the Reign of His preſent Majeſty, intituled "An Act to promote the Reſidence of the Parochial Clergy, by making Proviſion for the more ſpeedy and effectual building, re-building, repairing, or purchaſing Houſes, and other neceſſary Buildings and Tenements, for the Uſe of their Benefices:"* And whereas there are many Eccleſiaſtical Benefices, Perpetual Curacies, and Parochial Chapelries to which no Glebe Land, or only a ſmall Portion of Glebe Land is belonging; and it is therefore expedient to enable the making Proviſion by Purchaſe, for the Annexation of Glebe Land to ſuch Benefices, Perpetual Curacies and Parochial Chapelries; be it therefore further enacted, That from and after the paſſing of this Act it ſhall be lawful for the Parſon, Vicar, or other Incumbent for the Time being, of any Eccleſiaſtical Benefice, Perpetual Curacy, or Parochial Chapelry, the exiſting Glebe whereof ſhall not exceed Five Statute Acres, with the Conſent of the Pa-

21 G. 3. c. 66.

Power to purchaſe Land,

tron and Biſhop, to be ſignified as herein-after mentioned, to purchaſe any Lands not exceeding in the Whole Twenty Statute Acres, with the neceſſary Out-buildings thereon, whether being within the local Limits of the ſaid Benefice, Perpetual Curacy, or Parochial Chapelry, or not, but ſo as that the ſame be ſituate conveniently for building a Parſonage or a Glebe Houſe, and Out-buildings, and for Gardens and Glebe thereof, or for any of the ſaid Purpoſes, and for actual Reſidence and Occupation by the Incumbent thereof, ſuch Land being of Freehold Tenure, or being Copyhold of Inheritance, or for Life or Lives, holden of any Manor or Lordſhip belonging to the ſame Benefice, Perpetual Curacy, or Parochial Chapelry; and which Lands ſo purchaſed ſhall for ever, from and after the Grant and Conveyance thereof, be and become annexed to and Glebe of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, to all Intents and Purpoſes whatſoever, and be holden and enjoyed by ſuch Incumbent, and his Succeſſors accordingly, without any Licence or Writ of *Ad quod damnum*; and the Whole or any Part or Parts of the ſaid Lands, which before ſuch Annexation were or was of Copyhold Tenure, ſhall for ever, from and after ſuch Annexation, become and be of Freehold Tenure; the Statute of Mortmain or any other Statute or Law to the contrary notwithſtanding.

to be annexed to Benefices as Glebe Land thereof.

Copyhold Land ſo purchaſed to be holden as Freehold;

and by Mortgage of the Tithes, &c. to raiſe a Sum for ſuch Purchaſe,

not exceeding Two Years net Income.

VII. And, for better effectuating ſuch Purchaſes as aforeſaid, be it further enacted, That it ſhall be lawful for ſuch Parſon, Vicar, or other Incumbent for the Time being, with the Conſent of the Patron and Biſhop (to be ſignified as herein-after is mentioned), to borrow and take up at Intereſt (over and beſides the Monies authorized to be borrowed under the Authority and for the Purpoſes of the ſaid recited Act of the Seventeenth Year of the Reign of His preſent Majeſty) ſuch Sum or Sums of Money as ſhall be certified by a Valuation upon Oath of ſome ſkilful and experienced Surveyor to be the true and juſt Value of the ſaid Lands at the Time of the Purchaſe thereof, not exceeding Two Years clear Income and Produce of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, after deducting all Taxes and other Out-goings whatever, except the Salary to the Aſſiſtant Curate (if any); and as a Security for Re-payment of the Money ſo to be borrowed, to mortgage the Tithes, Rents, and other Profits and Emoluments of or belonging to ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, to any Perſon or Perſons who ſhall advance ſuch Money by One or more Deed or Deeds (to be regiſtered as herein-after mentioned) for the Term of Twenty-five Years, or until the Principal Money ſo to be borrowed, with Intereſt for the ſame, and all Coſts and Charges attending the Recovery thereof, ſhall be fully paid off and ſatisfied; which Mortgage Deed or Deeds ſhall bind, as well ſuch Parſon, Vicar, or other Incumbent of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, executing ſuch Mortgage or Mortgages, as alſo his Succeſſors, and a Counterpart thereof ſhall be executed by the Mortgagee or Mortgagees, and be kept by the Incumbent; and the Parſon, Vicar, or Incumbent for the Time being of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, ſhall and he is hereby required to pay or cauſe to be paid to the Mortgagee or Mortgagees yearly and every Year, as the ſame ſhall become due, or within One Month afterwards, as well the Intereſt of the Principal Money ſecured by ſuch Mortgage or Mortgages, as alſo the further Sum of Five Pounds *per Centum per Annum* of the Principal Money originally advanced on ſuch Mortgage or Mortgages; and that every Incumbent who ſhall not reſide Twenty Weeks in every Year upon ſuch Benefice, Perpetual Curacy,

or

or Parochial Chapelry, computing each Year from the Date of the First or only Mortgage Deed, ſhall and he is hereby required, inſtead of the ſaid Sum of Five Pounds *per Centum per Annum*, to pay within the Period aforeſaid the Sum of Ten Pounds *per Centum per Annum* of the Principal Money originally advanced on ſuch Mortgage or Mortgages, until the Whole of ſuch Principal Money, with the Intereſt, Coſts, and Charges ſhall be fully paid off and diſcharged; and that every ſuch Incumbent who ſhall pay only Five Pounds *per Centum per Annum* of ſuch Principal Money ſhall, at the Time of Payment thereof, produce and deliver to the Mortgagee a Certificate under the Hands of Two Rectors, Vicars, or other Officiating Miniſters of ſome Pariſhes near adjoining, ſignifying that he had reſided Twenty Weeks upon the ſaid Benefice, Perpetual Curacy, or Parochial Chapelry, within the Year for which ſuch Payment became due; and in Default of Payment of the Principal, Intereſt, Coſts, and Charges in Manner aforeſaid, the Biſhop ſhall have Power to ſequeſter the Profits of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, until ſuch Payment ſhall be made; and if at any Time or Times the ſaid Principal and Intereſt, or any Part thereof, ſhall be in Arrear and unpaid for the Space of Forty Days next after the yearly Day of Payment whereon the ſame ſhall have become due, it ſhall be lawful for the Mortgagee or Mortgagees, and his, her, or their Executors, Adminiſtrators, or Aſſigns, to recover the ſame, or ſuch Part thereof as ſhall be ſo unpaid, and the Coſts and Charges attending ſuch Recovery, by Diſtreſs and Sale, in ſuch Manner as Landlords are or ſhall be by Law authorized to recover Rents in Arrear; and in order that the Payment of the ſame Principal and Intereſt may, in Caſes of Avoidance by Death or otherwiſe, be juſtly and equitably aſcertained and adjuſted between the Parſon, Vicar, or Incumbent avoiding ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, or his Repreſentatives, and his Succeſſor, in ſuch Proportions as the Profits of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, ſhall have been received by them reſpectively for the Year in which ſuch Death or Avoidance ſhall happen, ſuch Payment ſhall, in caſe any Difference ſhall ariſe in ſettling the Proportions thereof, be aſcertained and determined by Two indifferent Perſons, the one to be named by the Perſon making ſuch Avoidance, or his Repreſentatives in caſe of his Death, and the other by the ſaid Succeſſor; and in caſe ſuch Nominees ſhall not be appointed within the Space of Two Calendar Months next after ſuch Death or Avoidance, or in caſe they ſhall not agree in ſettling ſuch Proportions within the Space of One Calendar Month after they ſhall have been appointed, the ſame ſhall be determined by ſome neighbouring Clergyman to be nominated by the Biſhop, whoſe Determination ſhall be final and concluſive between the Parties.

Governors of Queen Anne's Bounty empowered to lend Money.

VIII. And be it further enacted, That for promoting the Purpoſes of this Act, it ſhall and may be lawful for the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, from and out of the Monies which have ariſen or ſhall from Time to Time ariſe from that Bounty, to advance and lend, in reſpect of each Benefice, Perpetual Curacy, or Parochial Chapelry, the clear annual improved Value whereof ſhall not exceed the Sum of Fifty Pounds, any Sum not exceeding the Sum of One hundred Pounds, without Intereſt, but for Re-payment of the Principal whereof ſuch Mortgage as is herein-before mentioned ſhall be executed; and alſo to advance or lend, for or in reſpect of each Benefice, Perpetual Curacy, or Parochial Chapelry, the clear annual improved Value whereof ſhall exceed the Sum of Fifty Pounds, any Sum not exceeding

Two

Two Years yearly Income of ſuch Benefice upon ſuch Mortgage as aforeſaid, and to receive Intereſt for the ſame at any Rate not exceeding Four Pounds *per Centum per Annum*.

Colleges may lend any Sum with or without Intereſt.

IX. And be it further enacted, That it ſhall and may be lawful for any College or Hall within the Univerſities of *Oxford* or *Cambridge*, or for any other Corporate Bodies, being Owners of the Patronage of Eccleſiaſtical Livings or Benefices, to advance and lend any Sum or Sums of Money of which they have the Power to diſpoſe, for the Convenience of the Parſon, Vicar, or other Incumbent for the Time being of any Benefice, Perpetual Curacy, or Parochial Chapelry within the Patronage of ſuch College or Hall, upon Mortgage as herein-before directed, either upon Intereſt or without any Intereſt.

Conſent of Patron and Biſhop to all Deeds of Exchange, Mortgage, or Purchaſe.

X. Provided always, and be it further enacted, That when any Parſon, Vicar, or other Incumbent as aforeſaid, ſhall be deſirous of effecting any Exchange, Purchaſe, or Mortgage under the Proviſions of this Act, the Conſent of the Patron and Biſhop to every Deed of Exchange, Conveyance or Mortgage ſhall, before the ſame ſhall be ſigned and ſealed by the Parſon, Vicar, or other Incumbent, be ſignified by the ſaid Patron and Biſhop reſpectively, being made Parties to, and ſigning and ſealing the ſaid Deed in the Preſence of Two or more credible Perſons, who ſhall by Indorſement thereon atteſt ſuch ſigning and ſealing, and in which Atteſtation it ſhall be expreſſed that the ſame Deed was ſo ſigned and ſealed by ſuch Patron and Biſhop before the Execution thereof by ſuch Parſon, Vicar, or other Incumbent.

Powers to be executed by the Archbiſhops and Biſhops having Peculiars.

XI. And whereas there are within divers Dioceſes certain exempt Juriſdictions called Peculiars belonging to the Archbiſhops and Biſhops of other Dioceſes, and it is expedient that all the Powers and Authorities given by this Act to the Biſhop of the Dioceſe ſhould as to ſuch Peculiars be given to the Archbiſhop or Biſhop to whom the ſame reſpectively belong; be it therefore further enacted, That all and every the Powers and Authorities given by this Act to the Biſhop of any Dioceſe ſhall, with reſpect to the ſeveral Peculiars locally ſituated within ſuch Dioceſe, be veſted in and exerciſed by the Archbiſhop or Biſhop to whom ſuch Peculiars ſhall reſpectively belong, and not by the Biſhop within whoſe Dioceſe ſuch Peculiars ſhall be locally ſituated, but that within all and every Peculiar and Peculiars belonging to any other Perſon or Corporation than Archbiſhops or Biſhops, ſuch Powers and Authorities ſhall be veſted in and exerciſed by the Biſhop of the Dioceſe within which ſuch Peculiars ſhall be locally ſituated.

Power to Owners to convey on Exchange or Sale.

XII. And be it further enacted, That from and after the paſſing of this Act it ſhall and may be lawful to and for any Owner or Owners of any Meſſuages, Buildings, Lands, or Hereditaments, whether ſuch Owner or Owners ſhall be a Corporation Sole or Aggregate, or Tenant or Tenants in Fee Simple, or in Fee Tail General or Special, or for Life or Lives, and for the Guardians, Truſtees, or Feoffees for Charitable or other Uſes, Huſbands or Committees of or acting for any ſuch Owner or Owners as aforeſaid, who at the Time of making any Exchange or Purchaſe authorized by this Act ſhall be reſpectively Infants, Feme Coverts, or Lunatics, or under any other legal Diſability, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, by Deed or Deeds indented, and to be regiſtered as herein-after is mentioned; and with ſuch Conſent, and to be ſignified as herein-

herein-before is mentioned, of such Incumbent, and of the Patron and Bishop, to grant and convey to any Parson, Vicar, or other Incumbent for the Time being of any Ecclesiastical Benefice, Perpetual Curacy, or Parochial Chapelry, any Messuage, Outbuildings, Yards, Gardens, and Lands, with their Appurtenances, or any Messuage or Outbuildings only, or any Lands (with or without necessary Outbuildings) only of such Owner or Owners, in lieu of and in Exchange for any Parsonage House, Out-buildings, Yards, Gardens, and Glebe Lands, and Pastures, Feedings, and Rights of Common, or any of them, or any Part thereof, of or belonging to any such Benefice, Perpetual Curacy, or Parochial Chapelry, or (in Cases of Purchase), to sell and convey to such Parson, Vicar, or other Incumbent any Lands not exceeding in the Whole Twenty Statute Acres, with the necessary Out-buildings thereon, for such Sum or Sums of Money as shall be certified to be the true and just Value of the same at the Time of such Sale thereof, by a Valuation to be made as herein-after is directed; and which said Parsonage House, Out-buildings, and Glebe Lands so to be granted and conveyed in Exchange by any Parson, Vicar, or other Incumbent, (with such Consent and in such Manner as aforesaid), shall for ever, from and after such Grant or Conveyance thereof, be and become vested in and settled upon the same Person or Persons, and to, for, and under the same Uses, Estates, Trusts, and Limitations, and subject to the same Powers, Conditions, Charges, and Incumbrances as the said Messuage, Out-buildings, Lands, and Premises so to be granted and conveyed in Exchange were vested in, settled upon, and subject to before such Exchange thereof, or would have been vested in, settled upon, and subject to in case such Exchange had not been made; and which said Sum or Sums of Money to be received for the Purchase of any Lands or Hereditaments shall in all Cases where the Lands or Hereditaments so to be purchased belong to any Corporation Sole or Aggregate, Infant, Feme Covert, Lunatic, or Person or Persons under any other Disability or Incapacity, with all convenient Speed be paid into the Bank of *England*, and in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Person or Persons or Corporation, who would have been entitled to the Rents, Issues, and Profits of such Lands or Hereditaments, to the Intent that such Money shall be applied or laid out under the Direction, and with the Approbation of the said Court, (to be signified by an Order made upon a Petition to be preferred by or on Behalf of the Person or Persons who would have been entitled to the Rents, Issues, and Profits of such Lands or Hereditaments), in the Purchase of the Land Tax, or towards the Payment of any Debts or Incumbrances affecting the same Lands or Hereditaments, or other Lands or Hereditaments standing settled to the same or the like Uses, or in the Purchase of other Lands or Hereditaments to be conveyed, settled, and made subject to and for and upon such and the like Uses, Trusts, Limitations, and Dispositions, and in the same Manner as the Lands or Hereditaments so purchased as aforesaid stood settled or limited, or such of them as at the Time of making such Purchase and Conveyance shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in some one of the Public Funds of this Kingdom, and the Dividends and Annual Produce thereof shall from Time to Time be paid by Order of the said Court to the Person or Persons who would have been entitled to the Rents, Issues, and Profits

Premises exchanged to be settled to the same Uses.

Application of Purchase Monies of Premises sold.

Profits of the ſaid Lands or Hereditaments, in caſe no Purchaſe and Conveyance thereof had been made under the Proviſions of this Act.

Perſons under legal Incapacity not to convey (except in Exchange) more than Five Acres.

XIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to enable any Corporation Aggregate or Sole, or Tenant in Fee Tail General or Special, or for Life or Lives, or the Guardians, Truſtees, or Feoffees for Charitable or other Uſes, Huſbands or Committees, of or acting for any ſuch Owner or Owners as aforeſaid, who at the Time of making any Sale authorized by this Act, ſhall be reſpectively Infants, Femes Covert, or Lunatics, or under any other legal Diſability, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, to ſell or convey (except by Way of Exchange, as in Manner by this Act directed) any Lands or Grounds whatſoever, for any of the Purpoſes of this Act, exceeding the Quantity of Five Statute Acres.

Where Exchange or Purchaſe ſhall be made Notice to be previouſly given.

XIV. Provided alſo, That in all Caſes where any Exchange or Purchaſe ſhall be made under the Authority of this Act, Six Calendar Months previous Notice, deſcribing the Particulars, Extent, and Situation of the Premiſes reſpectively to be given and taken in Exchange or purchaſed, ſhall be given of the Intention to make ſuch Exchange or Purchaſe, by the Inſertion of the ſame Notice for Three ſucceſſive Weeks in ſome one and the ſame Newſpaper of and in general Circulation in each County wherein the Premiſes ſo to be given and taken in Exchange or purchaſed, or any Part thereof, are ſituate; and alſo by affixing ſuch Notice in Writing on a conſpicuous Part of the Door of the Church or Chapel of each Pariſh or Chapelry wherein ſuch Premiſes or any Part thereof are ſituate, on Three *Sundays* ſucceſſively whereon Divine Service ſhall be performed, and ſhortly before the Commencement of ſuch Service on each *Sunday* in ſuch Church or Chapel.

A Map and Valuation on actual Survey to be made of the Premiſes to be given and taken in Exchange or purchaſed.

XV. And be it further enacted, That whenever any Exchange or Purchaſe is intended to be made under the Authority of this Act, a Map or Maps under an actual Survey, on Oath (which Oath any Juſtice of the Peace is hereby authorized to adminiſter) by ſome competent Surveyor to be approved of by the Patron, Biſhop, and Incumbent, ſhall in Caſes of Exchange be made and taken of the whole of the ſaid Glebe Lands, or of ſuch Part or Parts thereof as will ſufficiently enable the Biſhop to judge of the Convenience and Expediency of the propoſed Exchange, and alſo of the Glebe or Parſonage Houſe, Buildings, and Premiſes, any Part of which it is propoſed to exchange, as well as of the other Lands, Houſe, Buildings, and Premiſes, propoſed to be taken in Exchange; and ſhall in Caſes of Purchaſe be made and taken of the whole of the Lands or Hereditaments ſo to be purchaſed; and in Caſes of Exchange the ſame Surveyor ſhall in like Manner make a Valuation on Oath (to be adminiſtered as aforeſaid) of the ſaid Glebe Lands and Glebe or Parſonage Houſe, Buildings, and Premiſes, and alſo of the Lands, Houſe, Buildings, and Premiſes intended to be taken in Exchange, and in Caſes of Purchaſe the ſame Surveyor ſhall in like Manner make a Valuation on Oath of the Lands or Hereditaments ſo intended to be purchaſed; and every ſuch Valuation ſhall include and diſtinctly ſpecify the Value of all Timber and other Trees growing thereon, and of the Rights of Common, and of all Mines, Minerals, and Quarries (if any), and of all other Rights, Profits, and Advantages whatſoever (if any) to the ſaid Premiſes or either of them, or any Part or Parcel of the ſame, reſpectively belonging.

XVI. Pro-

Biſhop to iſſue a Commiſſion of Enquiry.

XVI. Provided alſo, and be it further enacted, That in all Caſes, as well of Exchange as of Purchaſe under this Act, the Biſhop, on receiving ſuch Map or Maps and Valuation ſhall, if he ſhall in the firſt Inſtance ſo far approve of the ſaid Exchange or Purchaſe, iſſue a Commiſſion of Enquiry under his Hand and Seal, directed to ſuch Perſons as he ſhall think proper, not being fewer than Six in Number, and of whom Three at the leaſt ſhall be Beneficed Clergymen actually reſident in the Neighbourhood of the Benefice, Perpetual Curacy, or Parochial Chapelry, whereto it ſhall be propoſed to annex any Buildings or Lands by Exchange or Purchaſe under the Authority of this Act, and of whom One ſhall be a Barriſter at Law of Three Years ſtanding at the leaſt, to be named by the Senior Judge in the laſt preceding Commiſſion of *Niſi Prius* for the County in which the ſaid Benefice, Perpetual Curacy, or Parochial Chapelry, ſhall be ſituate, and the Return to which Commiſſion of Enquiry ſhall be made and ſigned by a Majority of the Perſons therein named, after an actual Inſpection by them of all the Premiſes, with ſuch Map and Valuation before them, and not otherwiſe, and Three at leaſt of the Perſons making and ſigning the ſame ſhall be either Three ſuch Beneficed Clergymen actually reſident as aforeſaid, or Two at leaſt of ſuch Beneficed Clergymen reſident as aforeſaid, together with ſuch Barriſter as aforeſaid; and in no Caſe whatever ſhall any Exchange or Purchaſe be effected under the Authority of this Act, unleſs ſuch Commiſſion ſhall have been previouſly iſſued and returned, and unleſs the Return to ſuch Commiſſion, ſo made and ſigned as aforeſaid, ſhall certify that, after an actual Inſpection and Examination of the Premiſes, ſuch Exchange or Purchaſe, in the Judgment of the Perſons making the ſaid Return, is fit and proper to be made, and will promote the permanent Advantage or Convenience of the Incumbent of ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, and his Succeſſors in the ſame.

Conſent for Patrons in caſe of Minority, Lunacy, or Marriage.

XVII. And be it further enacted, That whenever the Patron of any Benefice, Perpetual Curacy, or Parochial Chapelry, to which the Proviſions of this Act extend, ſhall happen to be a Minor, Idiot, Lunatic, or Feme Covert, it ſhall and may be lawful for the Guardian, Committee, or Huſband of every ſuch Patron to tranſact the ſeveral Matters, and execute the requiſite Deeds as aforeſaid, for ſuch Patron, who ſhall be bound thereby in ſuch Manner as if he or ſhe had been of full Age or ſound Mind, or Feme Sole, and had done ſuch Acts and executed ſuch Deeds.

Conſent where Livings belong to the Crown, or to the Duchy of Lancaſter.

XVIII. Provided alſo, and be it further enacted, That in all Caſes where the Patronage of any Benefice, Perpetual Curacy, or Parochial Chapelry, to which the Proviſions of this Act extend, ſhall be in the Crown, and ſuch Living or Benefice ſhall be above the Yearly Value of Twenty Pounds in the King's Books, the Conſent of the Crown to the ſeveral Proceedings hereby authorized reſpecting ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, ſhall be ſignified by the Execution of the Deeds or Inſtruments herein-before directed, by the Lord High Treaſurer or Firſt Lord Commiſſioner of the Treaſury for the Time being; but if ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, ſhall not exceed the Yearly Value of Twenty Pounds in the King's Books, ſuch Conſent ſhall be ſignified by ſuch Execution by the Lord High Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal for the Time being; and if ſuch Benefice, Perpetual Curacy, or Parochial Chapelry, ſhall be within the Patronage of the Crown, in Right of the Duchy of *Lancaſter*, then

such Consent shall be signified by the Execution of such Deeds or Instruments by the Chancellor of the said Duchy for the Time being.

Deeds and Instruments to be deposited in the Archbishop's or Bishop's Registry.

XIX. And be it further enacted, That one Part of all Deeds and Instruments to be made and executed in pursuance of or for carrying into Execution this Act, together with the Maps and Valuations, and the Commissions of Enquiry and the Returns to the same, herein-before directed, shall, within Twelve Calendar Months next after the Date or Dates thereof, be deposited in the Office of the Registrar of the Diocese wherein such Benefice, Perpetual Curacy, or Parochial Chapelry, shall be locally situate, to be perpetually kept and preserved therein, except as to those Benefices which are under the peculiar Jurisdiction of any Archbishop or Bishop, in which Case the several Documents before mentioned shall be deposited in the Office of the Registrar of that peculiar Jurisdiction, to which any such Benefice, Perpetual Curacy, or Parochial Chapelry shall be subject, and such Registrars shall respectively so deposit and preserve the same, and shall give and sign a Certificate of such Deposit thereof to be written on a Duplicate, or on any other Part or Parts of the said Deeds, or any or either of them, or on some other separate Parchment, Paper, or Instrument; and every such Deed or Instrument 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 or Instrument, 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 Ten Shillings and no more (over and besides the Stamp Duty, if any) for such Commission and the previous Requisites thereof; and the Sum of Five Shillings and no more, for so depositing as aforesaid the Deeds, Settlements, Map, Survey, Valuation, Commission, and Instruments, and so aforesaid, certifying such Deposit thereof; and the Sum of One Shilling and no more for each such Search; and the Sum of Sixpence and no more (over and besides the said Stamp Duty) for each Folio of Seventy-two Words of each such Office Copy, so certified as aforesaid.

Forms in Schedule 17 G. 3. c. 53. and 21 G. 3. c. 66. to be used (so far as applicable) for the Purposes of this Act.

XX. And be it further enacted, That such of the Forms contained in the Schedules of the said recited Acts of the Seventeenth and Twenty-first Years of the Reign of His present Majesty, as are applicable to the Provisions of this Act, and with such Variations thereof as shall render them so applicable, shall be used and applied to the Purposes of this Act as fully and effectually as if the same were hereby enacted and made Part of this Act.

This Act not to repeal any former Law.

XXI. Provided always, and it is hereby declared, That nothing in this Act contained shall extend or be construed to repeal or abridge any Law now in force, enabling any Person or Corporation Sole or Aggregate, to augment or improve any Ecclesiastical Benefice, Perpetual Curacy, or Parochial Chapelry.

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