prohibitions, and penalties imposed upon the licensee of such retreat under the provisions of the Habitual Drunkards Act, 1879. Provided always that the appointment of such deputy shall not entitle him to act for such licensee during any period or periods exceeding in all six weeks in any one year.

Attestation of application for admission to a retreat.

4. So much of section three and of section ten of the Habitual Drunkards Act, 1879, as provides that the signature of an habitual drunkard applying to be admitted to a retreat shall be attested by two Justices of the Peace having jurisdiction under the Summary Jurisdiction Act, in the place where the matter requiring the cognizance of a justice arises, is hereby repealed, and such attestation may be that of any two Justices of the Peace.

Construction of Act.

5. The Habitual Drunkards Act, 1879, and this Act shall be read and construed together as one Act, and may be cited together as the Inebriates Acts, 1879 and 1888.

CHAPTER 20.

An Act to facilitate the sale of Glebe Lands.

[7th August 1888.]

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:

Short title and extent.

1. This Act may be cited as the Glebe Lands Act, 1888.

This Act shall not extend to Scotland or Ireland.

Application by incumbent to Land Commissioners for sale of glebe.

2. The incumbent of any benefice may from time to time, after the prescribed notice to the bishop of the diocese and the patron of the benefice, apply in the prescribed manner to the Land Commissioners to approve the sale of the glebe land of such benefice, or any part thereof, except the parsonage house and such land appurtenant thereto as herein-after mentioned.

Sale of glebe with approval of Land Commissioners.

3. (1.) If the Land Commissioners, on an application being made to them to approve the sale of any glebe land under this Act, think fit to entertain the application, and are satisfied that the application has been duly made by an incumbent authorised to apply, and that the prescribed notice has been given to the bishop of the diocese and the patron of the benefice, and that an objection to the sale either has not been made by the bishop or patron, or if made ought not to prevent the sale, and that the sale will be for the permanent benefit of the benefice, they may approve the sale of the said land, subject to the provisions of this Act, and the incumbent, with such approval, may sell the said land; but the Land Commissioners shall not approve the sale of any land occupied by the parsonage house, or the outbuildings, garden, or other appurtenances thereof, or such part of the glebe land as they consider to be necessary for the convenient enjoyment of such house, and the opinion of the said Commissioners in respect of such matters shall be conclusive.

(2.) If upon notice of a proposed sale under this Act the bishop of the diocese or patron objects to the sale, and the Land Commissioners are satisfied that such objection ought not to prevent the sale

the Land Commissioners shall inform the bishop or patron, as the case may be, in writing, of their reasons for being so satisfied.

Payment and application of purchase money.

4. (1.) Upon the sale under this Act of the glebe land of any benefice, the purchaser shall pay the purchase money to the Land Commissioners, and the prescribed receipt of the Land Commissioners for such money shall be a sufficient discharge to the purchaser.

(2.) The Land Commissioners shall apply the purchase money so paid in defraying the prescribed expenses of or incident to the sale of such land and the investment of the purchase money, and (subject to the provisions of this Act as to incumbrances) shall invest the residue in such one or more of the modes herein-after mentioned as may be selected by the incumbent of the benefice, with the approval of the Land Commissioners, or (in default of such selection) by the Land Commissioners; namely

(*a.*) in purchase of any of the following securities, namely, Government securities, the debenture stock of any railway company in Great Britain or Ireland incorporated by special Act of Parliament, and having for at least ten years next before the date of investment paid a dividend on its ordinary stock or shares, stock of the Metropolitan Board of Works, and that stock of any county or municipal borough in which trustees are by law authorised to invest either generally or whenever they have power to invest in railway debenture stock, if such county or municipal borough had, according to the census last published next before the date of the purchase, a population exceeding one hundred thousand; and

(*b.*) in redemption of land tax, chief rent, or quitrent charged on any part of the glebe which is not sold, so that the same may merge in the glebe; and

(*c.*) In the purchase of any land adjacent to the parsonage house the possession of which in the judgment of the Land Commissioners would be for the benefit of the benefice and for the convenient enjoyment of such house.

(3.) An investment in any securities shall be made in the name of the Ecclesiastical Commissioners for England, and any such investment may from time to time, with the approval of those Commissioners, be varied on the application and at the expense of the incumbent.

(4.) Securities bought out of the purchase money under this Act of the glebe of any benefice and held by the Ecclesiastical Commissioners for England shall be entered in the books kept by any body corporate, company, or persons in relation to those securities in the name of those Commissioners, but on a separate account ex-parte the benefice; such body corporate, company, or persons, however, shall treat those Commissioners as the sole and absolute owner of the securities, and shall arrange with those Commissioners for the payment of the dividends, whether by dividend warrants sent through the post or otherwise, to such persons as may be directed by those Commissioners, and the enactments relating to dividend warrants shall apply to the warrants sent to any such person in like manner as if they were sent to the holder of the securities at his request.

(5.) The Ecclesiastical Commissioners for England shall hold any securities purchased with money arising from a sale of land under this Act on the same trusts and for the same purposes on and for which the land sold was held; and may from time to time, if occasion requires, sell such securities and apply the proceeds on the said trusts and for the said purposes, and shall cause the income arising from such securities to be paid or applied in such manner (if any) as may be directed in pursuance of this Act, and subject thereto, in such manner as the income of the said land sold would have been payable or applicable if such sale had not taken place.

(6.) Any land purchased with money arising from a sale under this Act of the glebe land of any benefice shall be conveyed to the incumbent of that benefice, and shall be held by the incumbent for the time being as part of the glebe of the benefice, and the income arising from the land shall be paid or applied as the income of the land sold would have been payable or applicable if the sale had not taken place.

Restrictions as to sales.

5. (1.) Before approving the sale of any land under this Act the Land Commissioners shall ascertain whether the amount of the purchase money is or is likely to be diminished by reason of any dilapidations which the incumbent is by law liable to make good, and, where they are of opinion that the purchase money is or is likely to be so diminished, shall provide for such sum as appears to them to be equal to the amount of such diminution being recouped to the benefice, either by payment of such sum by the incumbent or by the application of all or part of the income of the purchase money towards recouping such sum, and the amount paid towards such recoupment shall be dealt with as purchase money of the land under this Act, but until such sum is fully recouped, nothing in this section shall discharge the incumbent from his liability to make good the said dilapidations.

(2.) Nothing in this Act shall empower the Land Commissioners to approve the sale—

(*a*) of any land subject to a lease originally created for a term exceeding twenty-one years; or

(*b*) of any land let for any term whatever where by reason of the rent reserved on the lease being less than two thirds of the full annual value of the land, or for any other reason, the incumbent is not in possession of the full rents and profits of the land; or

(*c*) of any mines or minerals in any case where it appears to them that such mines or minerals are or may become of considerable value.

Provision where land is subject to mortgage or other debt.

6. (1.) Where any glebe land sold under this Act, or the benefice to which it belongs, is subject to any mortgage or other debt, the land when conveyed to the purchaser shall vest in him free from such mortgage or debt, but such mortgage or debt, if not discharged, shall attach to the purchase money of the land and to any securities or land in or in connexion with which such purchase money is invested, and the mortgagee or creditor shall have the like remedies as nearly as may be in relation to such purchase money,

securities, and land as he would have had if the land had not been sold.

(2.) The prescribed notice of the proposal to sell any such glebe land shall be given to the mortgagee or creditor, and the mortgagee or creditor may, within the prescribed time after such notice, object to the sale on the ground that his security will be damnified by the sale, and before the Land Commissioners approve the sale they shall be satisfied that such notice has been duly given, and that either such an objection to the sale has not been made by the mortgagee or creditor, or if an objection has been made that the mortgagee or creditor will not be damnified by the sale; and the Land Commissioners may, if it seems to them necessary, make provision either for securing the rights of the mortgagee or creditor, or for the discharge of the mortgage or other debt: Provided that any mortgage created for a limited term, and which is by statute only repayable by annual instalments out of the income of the benefice within such term, shall be discharged in the same instalments out of the interest of the purchase money of land sold under this Act, and that nothing shall be done which will prejudice the future interest of the benefice, and such provision, and any provision which the Land Commissioners may make for preventing any prejudice to the future interest of the benefice, shall be binding on the incumbent for the time being of the benefice.

(3.) The Land Commissioners may require the mortgagee or creditor to accept payment of the principal and interest due together with such additional sum (if any) as seems necessary in order to dispense with any notice which would otherwise be required for such payment.

Provision as to annual charges on benefice.

7. Where any glebe land sold under this Act, or the benefice to which it belongs, or any part of the endowment of such benefice, is subject to a permanent annual charge in favour of the incumbent of any other benefice, the land when conveyed to the purchaser shall vest in him free from such annual charge, but the annual charge shall attach to the purchase money, and to any securities or land in or in connexion with which such purchase money is invested, and the Ecclesiastical Commissioners for England, may, if they think fit, set apart an adequate portion of such securities for the purpose of meeting such charge, or any part thereof, and shall thereupon discharge the said benefice and the endowment thereof from the liability to the annual charge or the said part thereof, and the securities so set apart shall be placed to a separate account or otherwise set apart in such manner as these Commissioners may direct.

Supplemental provisions as to sale.

8. (1.) For the purpose of facilitating the acquisition of land by cottagers, labourers, and others, it shall be the duty of the Land Commissioners in giving their approval of a sale under this Act, either to require as a condition thereof that the land or some part thereof shall be offered for sale in small parcels, or to the sanitary authority of a sanitary district for the purposes of the Allotments Act, 1887, or to satisfy themselves that such offer is not practicable without diminishing the price which can be obtained for the glebe land on a sale.

50 & 51 Vict. c. 48.

(2.) Before approving of a sale under this Act of glebe land of any benefice, the Land Commissioners shall require such notice of the proposed sale to be given as they think sufficient to give information thereof to the parishioners.

(3.) The approval of the Land Commissioners of a sale under this Act may be signified in the prescribed manner, and shall be conclusive evidence that the requirements of this Act with respect to the sale have been complied with.

45 & 46 Vict. c. 38.

(4.) Subject to the provisions of this Act, the provisions of the Settled Land Act, 1882, with respect to the sale of land by a tenant for life shall, so far as circumstances admit, apply to a sale under this Act by an incumbent in like manner as if he were the tenant for life of the land, and accordingly he shall have the like power with respect to contracts as a tenant for life under that Act, and may do all things necessary and proper for carrying into effect a sale under this Act.

Power to make rules.

9. (1.) The Land Commissioners with the approval of the Lord High Chancellor of Great Britain, and, where any rule affects any costs payable out of the Exchequer, with the further consent of the Commissioners of Her Majesty's Treasury, may from time to time make, and when made alter and rescind, rules with respect to the proceedings of the Land Commissioners under this Act, and the procedure to be observed by applicants and others in relation to such sales, and with respect to the forms to be used for the purposes of this Act, and with respect to any matter which by this Act is authorised or required to be prescribed, or which appears to be necessary or proper for carrying this Act into effect.

(2.) The Commissioners of Her Majesty's Treasury may from time to time make, and when made alter and rescind, rules fixing the fees to be paid to the Land Commissioners in respect of any proceeding under this Act, and the mode in which such fees are to be taken, and such fees shall be paid into the Exchequer either directly or by means of stamps, and any such fees paid in relation to a sale shall be deemed to be part of the expenses of the sale.

(3.) All rules made by the Land Commissioners under this section shall be judicially noticed, and shall be laid before both Houses of Parliament within three weeks after they are made if Parliament be then in session, and, if Parliament be not then in session, within three weeks after the beginning of the then next session of Parliament.

As to action by patrons.

10. (1.) Where any act is authorised or required to be done or any notice is required to be given by or to any patron or person for the purpose of this Act, such act and notice may, in the case of the patrons mentioned in the enactments set out in the schedule to this Act, be done and given, so far as may be, by and to the persons and in the manner provided by those enactments in like manner as if such act were a consent, and in the case of any matters to which those enactments do not apply and of any patrons or persons other than the patrons mentioned in the said enactments, or the Duke of Cornwall, shall be done and given in the prescribed manner.

(2.) Where the advowson of any benefice is part of the possessions of the Duchy of Cornwall, any notice required to be given to the

patron of such benefice for the purposes of this Act may be given to the keeper of the records of the Duchy of Cornwall, and any act authorised or required to be done by the patron of such benefice for the purposes of this Act may be done under the seal of the Duchy of Cornwall; and in the event of the Duke of Cornwall being under the age of twenty-one years, or of there being no Duke of Cornwall, may be done in the manner in which any act in relation to the possessions of the Duchy of Cornwall may be done in pursuance of section thirty-eight or thirty-nine of the Duchy of Cornwall Management Act, 1863, as the case requires. 26 & 27 Vict. c. 49.

Saving for Ecclesiastical Leasing Acts.

11. Such notice to the bishop of the diocese as may be prescribed for the purposes of this Act shall be substituted for the period of three months notice which, in pursuance of section one of the Ecclesiastical Leasing Act, 1858, is required to be given to the bishop of the diocese on every proposed sale of glebe lands under the provisions of that Act, but, save as aforesaid, nothing in this Act shall limit or prejudice the powers and provisions contained in the Ecclesiastical Leasing Acts or in the Acts administered by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy. 21 & 22 Vict. c. 57.

Definitions.

12. In this Act the following expressions have the meanings hereby assigned to them unless there be something in the context repugnant thereto:—

The expression "Land Commissioners" means the Land Commissioners for England:

The expressions "benefice" and "patron" have the same meaning as in the Ecclesiastical Dilapidations Act, 1871: 34 & 35 Vict. c. 43.

The expression "bishop" in relation to the diocese of an archbishop includes the archbishop:

The expression "glebe land" includes any manor, land, or tenement forming the endowment or part of the endowment of a benefice:

The expression "prescribed" means prescribed by rules made in pursuance of this Act.

SCHEDULE.

Section 10.

1 & 2 Vict. c. 106, ss. 126, 127.

How consent of patron to be testified when patronage in the Crown.

126. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this Act, or in which any notice shall be required by this Act to be given to the patron of any benefice, and the patronage of such benefice shall be in the Crown, the consent of the Crown to the exercise of such power shall be testified, and such notice shall be given respectively in the manner herein-after mentioned; (that is to say,) if such benefice shall be above the yearly value of twenty pounds in the Queen's books, the instrument by which the power shall be exercised shall be executed by and any such notice shall be given to the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the Queen's books, such instrument shall be executed by and any such notice shall be given to

the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being; and if such benefice shall be within the patronage of the Crown in right of the Duchy of Lancaster, such instrument shall be executed by and any such notice shall be given to the Chancellor of the said Duchy for the time being; and the execution of such instrument by and any such notice given to such person or persons shall be deemed and taken for the purposes of this Act to be an execution by and a sufficient notice to the patron of the benefice.

How where patron is an incapacitated person.

127. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this Act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron (but in case of a feme covert with her consent in writing) to execute the instrument by which such power shall be exercised in testimony of the consent of such patron; and such execution shall, for the purposes of this Act, be deemed and taken to be an execution by the patron of the benefice.

CHAPTER 21.

An Act to amend the Law of Distress for Rent.

[7th August 1888.]

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:

Short title.

1. This Act may be cited as the Law of Distress Amendment Act, 1888.

Extent.

2. This Act shall not apply to Scotland or Ireland.

Commencement.

3. This Act, except as in this Act otherwise provided, shall come into operation from and immediately after the thirty-first day of October one thousand eight hundred and eighty-eight.

Certain goods exempted from distress as under 9 & 10 Vict. c. 95. s. 96.

4. From and after the passing of this Act the following goods and chattels shall be exempt from distress for rent; namely, any goods or chattels of the tenant or his family which would be protected from seizure in execution under section ninety-six of the County Courts Act, 1846, or any enactment amending or substituted for the same.

Provided that this enactment shall not extend to any case where the lease, term, or interest of the tenant has expired, and where possession of the premises in respect of which the rent is claimed has been demanded and where the distress is made not earlier than seven days after such demand.

Repeal of 2 W. & M. c. 5. s. 1. except where appraisement is required in writing.

5. So much of an Act passed in the second year of the reign of their Majesties King William the Third and Mary, chapter five, as requires appraisement before sale of goods distrained is hereby repealed, except in cases where the tenant or owner of the goods and chattels by writing requires such appraisement to be made, and the landlord or other person levying a distress may, except as aforesaid, sell the goods and chattels distrained without causing them to be previously appraised; and for the purposes of sale the