CHAPTER clxv.

An Act for vesting in the Ecclesiastical Commissioners the endowments of the Rectory of Handsworth in the county of Stafford and for the re-endowment of the said Rectory and the transfer of the advowson to the See of Lichfield and for the endowment or augmentation of new districts within the parish of Handsworth aforesaid and for other purposes. [28th July 1891.] A.D. 1891.

WHEREAS Handsworth is a large and populous parish in the county of Stafford and diocese of Lichfield:

And whereas the endowments of the rectory of Handsworth include a rectory house and ground appurtenant thereto and other glebe lands and valuable ground rents and other rents and tithe rentcharge sums of money and certain burial surplice and other fees whereof short particulars are set forth in the First Schedule to this Act:

And whereas four separate ecclesiastical districts or new parishes named in the Second Schedule to this Act have been formed out of the said parish of Handsworth under statutory powers in that behalf and the tithe rentcharge of the rectory of Handsworth has been charged with yearly payments to the respective incumbents of those districts or new parishes as specified in the same schedule:

And whereas the Reverend William Randall D.D. is the present rector and is or claims to be the owner in fee of the advowson of the rectory of Handsworth:

And whereas by reason of permanent bodily infirmity he is desirous of resigning his incumbency of the said rectory:

And whereas the Lord Bishop of Lichfield has entered into a contract for the purchase of the advowson of the said rectory such contract being made conditional on the confirmation thereof by

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this Act and a copy of the said contract is set forth in the Third Schedule to this Act:

And whereas it is desirable that the said contract for purchase should be confirmed and that the advowson or perpetual right of presentation to the said rectory should be transferred to and vested in the Lord Bishop of Lichfield for the time being in right of his See:

And whereas it is expedient that the Ecclesiastical Commissioners be empowered to advance out of their common fund the sum required for purchase of the said advowson and such further sum as may be required for payment of the costs of this Act and that on completion of the purchase the endowments of the rectory (other than the burial surplice and other fees) be transferred to and vested in the Ecclesiastical Commissioners on such trusts for payment of a pension to the present rector on his resignation and for re-endowment of the said rectory and endowment or augmentation of districts or new parishes within the original limits of the said parish of Handsworth and for repayment to their common fund of the sums advanced by the Ecclesiastical Commissioners and for such other purposes as are in this Act mentioned:

31 Geo. III.

And whereas by a local Act passed in the year one thousand seven hundred and ninety-one "For dividing and inclosing the open "field commons and waste lands within the manor of Handsworth in "the county of Stafford" (in this Act referred to as "the Act of 1791") the rector of Handsworth was empowered to grant leases of land allotted to the rector under the said Act or of any other lands belonging to the said rectory for terms not exceeding in the case of building leases ninety-nine years and in the case of other leases twenty-one years with such consent and subject to such provisions as were therein mentioned:

And whereas it is expedient subject as herein-after mentioned that such provisions of the Act of 1791 should be repealed:

And whereas the present rector has consented to this Act:

And whereas the Lord Bishop of Lichfield and the Ecclesiastical Commissioners have consented to this Act:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please 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 (that is to say):—

Short title.

1. This Act may be cited as the Handsworth Rectory Act 1891.

2. In this Act—

Interpretation of terms.

The expression "the Bishop" means and includes the Right Reverend William Dalrymple Lord Bishop of Lichfield and his successors for the time being Bishops of Lichfield;

The expression "the Commissioners" means the Ecclesiastical Commissioners for England.

Confirmation of contract for sale of advowson.

3.—(1.) The contract for sale of the advowson of the rectory of Handsworth to the Bishop at the price of twenty thousand pounds a copy whereof is set forth in the Third Schedule to this Act is hereby confirmed and made binding on the parties thereto and shall be carried into effect by them subject to and in accordance with the provisions of this Act:

(2.) The said advowson when purchased shall be conveyed so as to vest in the Bishop in fee simple as part of the possessions of his See and the right of nomination to the rectory shall for ever thereafter be exercised by the Bishop:

Provided that within three months of the completion of the purchase a duly stamped deed of conveyance shall be produced by the purchaser to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the expiration of the said three months to the date of payment shall be recoverable from the purchaser with full costs of action and all costs and charges attending the same.

Conveyance to Bishop to be deposited in Bishop's registry.

4. The conveyance to the Bishop under this Act shall be deposited in the registry of the Bishop and a memorandum of such deposit shall be entered in the Bishop's register and when a memorandum has been so entered the conveyance to which it relates shall be valid without enrolment under the Mortmain and Charitable Uses Act 1888 and without any further registration or other formality in reference thereto A copy of the conveyance certified under the hand of the registrar of the diocese shall for all purposes be evidence of the completion of the purchase.

Advance by Ecclesiastical Commissioners.

5.—(1.) For the purpose of providing the purchase money for the said advowson (including the costs of the Bishop and the Commissioners and stamp duty) and of paying the costs charges and expenses of and incidental to preparing and obtaining this Act and any expenses incurred by them in carrying the same into execution (including any expenses of management improvement or development for building purposes of any lands vested in them by this Act) the Commissioners shall advance out of their common fund such sums as they may see fit.

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(2.) Every sum so advanced by the Commissioners shall with interest thereon from the date of such advance calculated at the rate of three pounds five shillings per centum per annum be repaid to the common fund of the Commissioners out of the income of the endowments of the rectory by this Act vested in the Commissioners by equal yearly or half-yearly instalments of principal and interest spread over such period not exceeding thirty years and commencing from such date or dates as the Commissioners shall from time to time fix Provided that the Commissioners may at any time repay to their common fund any sum or sums so advanced or any part thereof with interest out of any money for the time being carried to the Handsworth Rectory (Capital) Account herein-after mentioned.

Endowments of rectory vested in Ecclesiastical Commissioners.

6. On and from the completion of the purchase of the said advowson the rectory house and ground appurtenant thereto and all the glebe and other lands ground rents tithe rentcharge hereditaments and other property of every description being or forming part of the endowments of the said rectory (but not including any burial surplice or other fees) shall by virtue of this Act become and be vested in the Commissioners discharged from all estates rights interests and claims of any rector of the said rectory but subject to payment of the annual sums specified in the third column of the Second Schedule to this Act and of all other charges on or affecting the said lands ground rents or other property and on trust to give effect to the purposes of this Act And the Commissioners shall have and may exercise all such rights powers and remedies for obtaining possession of any lands and for recovering the rents and profits thereof as belonged or would have belonged to the rector of the said rectory.

Ecclesiastical Commissioners to have powers of absolute owners.

7. On and from the completion of the said purchase the Commissioners shall have and exercise over all lands ground rents tithe rentcharge hereditaments and property vested or to be at any time vested in them for the purposes of this Act all the same and the like rights and powers of ownership as are possessed and enjoyed over and respecting any lands ground rents tithe rentcharge hereditaments and property by any absolute owner thereof and in particular (but without prejudice to the generality of the foregoing enactment) they may grant sites for the churches and churchyards or parsonage houses and grounds of any district or new parish within the ancient parish of Handsworth.

Pension of present rector.

8. The present rector shall on the completion of the said purchase and on resignation of the office of incumbent into the hands

of the Bishop as ordinary become immediately entitled to the pension payable as herein-after provided and shall not have any claim to any other pension and the pension so payable shall not be deemed a pension or sum of money reward gift profit or benefit within the meaning of the 31 Elizabeth chapter 6 or the 12 Anne Statute 2 chapter 12 or any other Act.

Application of income.

(*a.*) During life of present rector.

9. On the completion of the said purchase and on and after the resignation and during the life of the present rector the rents and profits of any lands and hereditaments which shall be by virtue of this Act vested in the Commissioners and the ground rents tithe rentcharge and other income coming to the hands of the Commissioners under this Act shall be carried by them to an account in their books to be called the Handsworth Rectory (Income) Account and be applied by them as follows and in the following order (that is to say) :—

(1.) In payment to the present rector during his life of the annual sum of seven hundred and fifty pounds by two equal half-yearly payments to be made on the first day of June and the first day of December in each year the first of such payments to commence as from the date of his resignation and the last to be paid down to the date of his death such payments if necessary to be apportioned.

(2.) In payment to the incumbents for the time being of the respective districts or new parishes named in the Second Schedule to this Act of the annual sums set opposite to the names of the present respective incumbents in that schedule being the annual sums now payable.

(3.) In payment to the rector for the time being of Handsworth of the yearly sum of eight hundred pounds or of such sum as together with any burial surplice or other fees received by him will make up that sum and of an additional sum after the rate of one hundred pounds per annum so long as there shall not be any residence provided for him by the Commissioners.

(*b.*) Afterwards.

After the death of the present rector the said rents and profits and other income shall continue to be carried to the Handsworth Rectory (Income) Account and be applied by the Commissioners as follows and in the following order (that is to say) :—

(*a.*) In payment to the rector for the time being of Handsworth of the yearly sum of one thousand pounds or of such sum as together with any burial surplice or other fees received by him will make up that sum and of an additional sum after the rate of one hundred pounds per annum so long as there shall not be any residence provided for him by the Commissioners.

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(*b.*) In payment to the incumbents for the time being of the respective districts or new parishes named in the Second Schedule to this Act of the annual sums set opposite to the names of the present respective incumbents in that schedule.

(*c.*) Application of capital moneys and balance of income.

Subject to the provisions of this Act any balance or residue of the said rents and profits and other income arising whether before or after the death of the present rector after making the foregoing payments shall be carried to an account in the books of the Commissioners to be called the Handsworth Rectory (Capital) Account and shall together with any other moneys from time to time carried to that account be invested by the Commissioners in the same manner as they are empowered to invest the moneys the income of which is carried to and forms their common fund and be accumulated at compound interest with power for the Commissioners from time to time to vary and transpose or to sell and realise any such investments and in their discretion to apply the proceeds of sale or of realisation and any money not invested as well as the interest or income of any such investments for the following purposes or any of them (that is to say) :—

(A.) In payment of interest on or repayment of principal of any advances made by them out of their common fund in pursuance of this Act.

(B.) In defraying the costs charges and expenses of management improvement or development for building and other purposes of any lands or hereditaments vested or to be vested in them under or by virtue of this Act and of any legal proceedings under this Act.

(C.) In defraying the costs charges and expenses of providing a rectory house.

(D.) In payment to the rector of Handsworth or to the incumbent or incumbents for the time being of any districts or new parishes which may at any time (whether before or after the passing of this Act) have been or may be formed wholly or partially out of the original limits of the parish of Handsworth of such additional or other yearly sums as may from time to time be determined on and granted by the Commissioners.

(E.) In the grant of a capital sum for or towards providing a site for or building or otherwise acquiring a church or parsonage house in any district or new parish wholly or partially within the said parish of Handsworth.

Form of grant to incumbent.

10. The grant of any stipend or yearly sum under this Act may be made by the Commissioners by writing under their common seal in the form contained in the Fourth Schedule to this Act or as

near thereto as circumstances permit and shall be published in the "London Gazette" but every yearly sum so granted shall in case of deficiency of income be subject to proportionate abatement.

Existing patronage of rector.

11. On and from the completion of the purchase of the said advowson the patronage or right of nominating from time to time the incumbent of every district new parish or other benefice which is at the passing of this Act vested in or exerciseable by the rector of Handsworth shall by virtue of this Act be vested in and be exercised by the Bishop.

Provision of new rectory house.

12. At any time after the completion of the purchase of the said advowson the Commissioners may purchase a site for and erect or may provide by purchase of suitable premises or may set apart a portion of the lands vested in them by this Act and erect thereon a new rectory house with all proper offices buildings and grounds thereto and secure the same as the house of residence for the said rectory and may accept any gift of land or money and appropriate and apply the same for the purposes of this section Provided that the sum or sums expended by the Commissioners under the powers of this section shall not exceed two thousand five hundred pounds exclusive of the cost or value of the site.

As to capital money.

13. Any money received by the Commissioners under or by virtue of this Act which the Commissioners may deem to be in the nature of capital money shall be carried by them to the said Handsworth Rectory (Capital) Account.

Provision as to burial and surplice fees.

14. On and from the completion of the purchase of the said advowson so long as any burial surplice or other fees shall be received by the rector of Handsworth he shall make half-yearly or yearly returns to the Commissioners of the amount received by him at such dates and in such form as shall be fixed by them.

Repeal of part of Act of 1791.

15. On and from the completion of the said purchase so much of the Act of 1791 as authorises the grant of any lease or leases by the rector of Handsworth shall be repealed but without prejudice to any lease granted or to any other act or thing done or suffered thereunder and any lease granted under the said Act and subsisting at the date of the passing of this Act shall continue in force to all intents as if the said provisions of the said Act of 1791 had not been repealed.

Saving of Acts.

16. Nothing in this Act contained shall be considered as in any manner superseding or interfering with the operation of section 74 of the Ecclesiastical Commissioners Act 1840 (3 and 4 Victoria chapter 113) as amended by section 8 of the Act 17 and 18 Victoria chapter 84.

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Costs of Act.

17. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing this Act shall be paid in the first instance by the Commissioners out of their common fund but shall be repaid in manner hereinbefore provided.

Act to cease if advowson not conveyed within twelve months.

18. If from any cause whatever the advowson of the rectory of Handsworth be not within twelve months after the passing of this Act conveyed to the Bishop then all the provisions of this Act shall after the expiration of the said twelve months cease to have any effect and this Act shall be repealed.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Part I.

Glebe Lands in the Parish of Handsworth County of Stafford.

No. on Ordnance Map.	Description.	Quantity. Acres.
1493	Land - - - - - - -	9·663
1499	Land - - - - - - -	1·333
1543	Land - - - - - - -	1·740
1544	Land - - - - - - -	1·625
1542	Land - - - - - - -	0·241
1548	Houses and gardens (Church View) - - -	0·685
1549	Land and cottage - - - - -	1·591
1558	Land - - - - - - -	1·899
1560	Land - - - - - - -	1·754
1562	Land - - - - - - -	2·478
1563	Rectory and grounds - - - - -	3·355
1564	Land - - - - - - -	4·514
1565	Land - - - - - - -	10·424
1601	Land - - - - - - -	7·137
1602	Land - - - - - - -	2·079
1603	Land - - - - - - -	1·764
1604	Land with house - - - - -	2·526
1605	Houses and gardens - - - - -	1·336
1606	Two houses and gardens - - - -	1·217
1647	Lands - - - - - -	10·660
	And also a house and grounds called White Hall a public-house malt house and buildings 39 houses and gardens fronting Soho Road and Summer Road and site of latter road containing about - - -	4·520
	And also a smithy buildings and land fronting Church Hill adjoining the Lamp Tavern and containing about	0·850

Note.—Portions of the above lands have been leased for building purposes under the Ecclesiastical Leasing Acts for terms of 99 years at aggregate rents amounting to £248 17*s.* 4*d.* Other portions of the above lands have been leased for building purposes under the Act of 1791 for terms of 99 years which will expire in June 1892 at aggregate rents amounting to £24 7*s.* 6*d.* The residue of the above lands (other than the rectory and grounds) are let at annual or other short occupation tenancies at an aggregate rental of £341 11*s.* 6*d.*

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PART II.

All that the rectorial tithe commutation rentcharges or annual sums in lieu of tithes amounting together to £1,324 5*s.* 2*d.* arising out of lands in the parish of Handsworth in the county of Stafford and payable by virtue of an award bearing date the 21st day of November 1843 duly confirmed by the Tithe Commissioner for England and Wales on the 1st day of January 1844 which said sums are subject to variation in accordance with the provisions of the Acts of Parliament under which the tithes of the said parish were commuted.

PART III.

All those 45 pieces or parcels of land with the dwelling-houses shops manufactories warehouses and other buildings standing thereon situate in Anderton Road Grace Road White Road Cartland Road and Montgomery Street Sparkbrook Birmingham in the county of Warwick subject to building leases granted for 99 years but with the benefit of the aggregate rents amounting to £739 3*s.* 7*d.* reserved by and of the lessees covenants and the conditions contained in the same leases.

PART IV.

The surplice and churchyard (including burial) fees.

PART V.

A capital sum of about £202 16*s.* 9*d.* £2$\frac{3}{4}$ per cent. Consolidated Annuities in court to the credit of the Paymaster-General *ex parte* the London and North-western Railway (New Railways) Act 1863 the account of the rector of the rectory of the parish of Handsworth in the county of Stafford.

A capital sum of £67 5*s.* 4*d.* £3 per cent. Local Loans Stock held by the Ecclesiastical Commissioners under the Ecclesiastical Leasing Acts in favour of the rectory of Handsworth.

A capital sum of £1,653 10*s.* 4*d.* (being proceeds of redemption of tithe rentcharge) held in favour of the rectory of Handsworth by the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy.

A Birmingham Corporation Water Annuity of £3.

THE SECOND SCHEDULE.

Districts or New Parishes formed out of the Parish of Handsworth with Yearly Amounts now payable to the respective Incumbents out of the Tithe Rentcharges of the Rectory of Handsworth.

District or new Parish.	Name of present Incumbent.	Amount.
		£
St. John Perry Barr - -	Rev. J. R. Keble - -	150*
St. James Handsworth - -	Rev. T. S. Cave - -	80
St. Michael Handsworth -	Rev. W. H. Oswell - -	50
Holy Trinity Birchfield - -	Rev. P. T. Maitland - -	50

* Subject to deduction for rates.

THE THIRD SCHEDULE.

An Agreement made the 20th day of April 1891 between the Reverend William Randall of Handsworth in the county of Stafford D.D. Clerk in Holy Orders of the one part and the Right Reverend William Dalrymple by divine permission Lord Bishop of Lichfield (herein-after called "the Bishop") of the other part.

Whereas the said William Randall is seised of or otherwise entitled to the advowson of or perpetual right of presentation to the rectory of Handsworth in the county of Stafford and diocese of Lichfield (herein-after called "the said advowson of the said rectory") for an estate of inheritance in fee simple And whereas the said William Randall is the present rector of the said rectory And whereas a Bill is about to be introduced in the present session of Parliament for an Act to be entitled the Handsworth Rectory Act 1891 for the purpose among other things of enabling the purchase by the Bishop of Lichfield for the time being of the said advowson of the said rectory and the payment of the purchase money out of moneys to be advanced by the Ecclesiastical Commissioners for England out of their common fund and to annex the said advowson of the said rectory for ever to the Bishop of Lichfield in right of his See and his successors And whereas the said William Randall is willing to sell to the Bishop the said advowson of the said rectory free from incumbrances at the price of £20,000 and in order to facilitate the passing of the said Bill into an Act he has agreed to enter into such conditional agreement as is herein-after contained:

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Now these presents witness that the said William Randall so far as relates to the acts on his part to be performed hereby for himself and his sequels in title agrees with the Bishop and the Bishop so far as relates to the acts on his part and the part of his successors to be performed hereby agrees for himself and his successors with the said William Randall as follows (that is to say):—

1. The said William Randall shall sell and the Bishop or his successor Bishop of Lichfield for the time being shall purchase at the price of £20,000 all that the said advowson of the said rectory and the fee simple thereof free from all incumbrances.

2. The said purchase money of £20,000 shall be paid on the 1st day of October 1891 (such date being herein-after referred to as the said date of completion).

3. The said William Randall shall within 7 days next after the said Bill shall be introduced into Parliament deliver an abstract of his title to the said advowson of the said rectory to Messrs. Jennings-White Milles and Co. of 8 Whitehall Place S.W. the solicitors acting for the said Bishop in relation to the said Bill and the said solicitors to the said Bishop shall thereupon submit such abstract to Mr. Henry Casson or any other conveyancing counsel of the Chancery Division of the High Court of Justice for his opinion whether the said William Randall has a good marketable title to the said advowson of the said rectory All requisitions on title which may be made shall be answered or replied to within 7 days after the delivery thereof to Messrs. Rowley Chatwin and Emerson of Church Street Birmingham the solicitors acting for the said William Randall.

4. In case the said Bill shall not be passed into law during the present session of Parliament or in case the said Henry Casson or such other conveyancing counsel to whom the said abstract of title shall be submitted as aforesaid shall at any time be of opinion that a good title has not been shown and cannot be made by the said William Randall by the 1st day of October 1891 to the fee simple of the said advowson free from incumbrances and that a proper conveyance thereof to the said Bishop and his successors cannot be executed by the said William Randall or by his direction by that date then and in any of the said cases these presents and the contract hereby made shall be and become void and neither the said William Randall nor the said Bishop shall make any claim against the other of them for any costs charges or expenses or on any account whatever.

5. In case of a vacancy in the said rectory while this contract remains in force but before execution of the conveyance to the Bishop and his successors pursuant thereto the said William Randall or his sequels in title will not present and the Bishop will not in case of lapse collate a clerk thereto until it has been found as aforesaid that a good title has been made to the said advowson of the said rectory free from incumbrances and in case it is so found as aforesaid that a good title has been made thereto the said William Randall or his sequels in title will on receipt of the purchase money present to the said rectory or allow the said Bishop or his successor to collate thereto such person as the said Bishop or his successor shall nominate and in case it is found as aforesaid that a good title cannot be made to the said advowson of the said rectory and at the time

when such opinion is obtained the right of presentation should have lapsed or be within one calendar month of lapsing to the said Bishop or his successor the said Bishop or his successor will nevertheless not exercise his right by lapse for a period of three calendar months thereafter but will during such period allow to be presented or will collate thereto such proper person as the said William Randall or his sequels in title may nominate.

6. The conveyance of the said advowson of the said rectory to be executed pursuant to these presents shall (subject to approval in the usual way by the solicitors or counsel of the said William Randall) be in such form as shall be required by Mr. Henry Casson or by such other conveyancing counsel of the Chancery Division as shall be named by the solicitors acting for the said Bishop or his successors.

7. The Bishop and his successors will use his and their best endeavours to obtain the passing of the before-mentioned Bill into an Act during the present session of Parliament.

8. The said William Randall and his sequels in title will use his and their best endeavours to obtain the passing of the before-mentioned Bill into an Act during the present session of Parliament and the said Bill having passed into law the said William Randall or his sequels in title on the said date of completion and on the payment of the said purchase money will with all other necessary and proper parties execute the conveyance of the said advowson of the said rectory herein-before mentioned.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first before written.

Signed sealed and delivered by the said William Randall in the presence of
FRANCIS AUGUSTUS CHATWIN
Solicitor
Birmingham.

WILLIAM RANDALL L.S.

Signed sealed and delivered by the said Right Reverend William Dalrymple Lord Bishop of Lichfield in the presence of
C. WILLIAM MILLES
Solicitor
8 Whitehall Place
Westminster.

W. D. LICHFIELD L.S.

A.D. 1891.

THE FOURTH SCHEDULE.

Form of Grant of Annual Sum.

We the Ecclesiastical Commissioners for England acting in pursuance of the Handsworth Rectory Act 1891 do hereby subject as herein-after mentioned grant to the incumbent of in the county of and in the diocese of Lichfield and to his successors incumbents of the same one yearly sum or stipend of such yearly sum or stipend to be payable out of in accordance with the provisions of the said Act and to be calculated as from the day of in the year 18 and to be receivable in equal half-yearly portions on the first day of and on the first day of in each year Provided that the yearly sum hereby granted is in case of deficiency of income subject to abatement in accordance with the provisions of the said Act.

This grant is subject to the following conditions:—

[*Here state conditions (if any).*]

In witness whereof we have hereunto set our common seal this day of 18 .

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for

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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