ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

****

Cap. 12.

An Act to enable the Governors of the Hospital of King *James* founded in *Charterhouse* to endow the Perpetual Curacy of *Hartland* in the County of *Devon* with a fixed Provision out of the Tithes of the Rectory of *Hartland* aforesaid, in substitution of their present Obligation, and to sell the Right of Presentation to the said Curacy, and the said Rectory and Tithes, and also certain Lands at *Hartland* aforesaid, and to invest the Monies arising from such Sales in the Purchase of other Lands, for the Benefit of the said Hospital.

[22d *June* 1842.]

WHEREAS the Governors of the Lands, Possessions, Revenues, and Goods of the Hospital of King *James* founded in *Charterhouse* within the County of *Middlesex* at the humble Petition and only Costs and Charges of *Thomas Sutton* Esquire, are in right of the said Hospital seised in Fee of the Rectory and Church of *Hartland* in the County of *Devon*, with all Tithes, great and small, and Emoluments whatsoever, to the said

The Governors of the Charterhouse are in right of the Hospital seised in Fee of the Rectory and

Church of Hartland, with all Tithes and Emoluments belonging thereto.

Rectory and Church in any Manner belonging, incident, or appurtenant, subject to the Obligation, while so seised as aforesaid, to find and provide One sufficient and able Chaplain or Curate at the Parish Church of *Hartland* aforesaid to serve, and at the Holy Sacrament and all parochial Services within the said Parish to officiate, and also subject to the Obligation, while so seised as aforesaid, to pay or cause to be paid to such Chaplain a Stipend of Twenty Pounds out of the same Rectory of *Hartland* annually, and also Nine Shillings and One Penny to the Archdeacon of *Barnstaple* for the Time being, and his Successors, for Procuration and Synodals, annually, and are also in right of the said Hospital entitled to and Owners of the Advowson or perpetual Right of Presentation of such Chaplain or Curate as aforesaid in and to the Perpetual Curacy of *Hartland* aforesaid, and are also in right of the said Hospital seised in Fee of certain Lands and Tenements in the said Parish, containing in the whole Three hundred and four Acres or thereabouts: And whereas the only Provisions, besides the said Stipend, for the Maintenance, Residence, or Support of the Minister or Curate of the said Curacy, consist in Augmentations of the said Curacy with the Sum of Eight hundred Pounds, and with the further Sum of Two hundred Pounds, made by the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and in a House and Land of the Value of Seven hundred and fifty Pounds, conveyed to the said Governors of the Bounty of Queen *Anne* as a Parsonage House and Residence for the Curate for the Time being of the said Curacy: And whereas the said Tithes and Emoluments are worth Seven hundred and eighty Pounds *per Annum* or thereabouts, and the said Parish contains Two thousand Inhabitants or thereabouts: And whereas the said Rectory and the said Land and Premises lie at a great Distance from the said Hospital, and from any other of the Estates belonging thereto, and the Property of the said Hospital might be improved, and the Management thereof rendered more convenient and advantageous, if, in substitution for the present Obligation of the Governors thereof, a competent perpetual Endowment for the Support of the Curate of the said Curacy and his Successors were made out of the said Tithes, such Endowment being subject to be commuted into a Rent-charge as herein-after mentioned, and if Sale were made of the Advowson or perpetual Right of Presentation of, in, and to the said Curacy, with such substituted Endowment as aforesaid, and if Sale were also made of the said Rectory and Church, and all Rights and Interests thereto incident, and of the Tithes and Emoluments aforesaid, subject to the said Endowment, and to the Payment of the said annual Sum to the Archdeacon of *Barnstaple* for the Time being, but freed from all Liability in respect of the said Curacy, save as to such Endowment, or, in the event of the same Tithes being commuted under the Provisions of any Act or Acts of Parliament for the Commutation of Tithes in *England* and *Wales*, if Sale were made of such Rent-charge as should be awarded in respect of the Residue of the said Tithes, after making such Endowment as aforesaid, subject in such Event only to the Payment of the said annual Sum to such Archdeacon for the Time, and free from all Liability in respect of the said Curacy, and if Sale were made of the said Lands and Tenements, and if the Monies arising by the several Sales aforesaid were laid out in the

The only Provisions for the Maintenance of the Curate, besides a Stipend of 20*l.*, consist of 800*l.* and 200*l.* from the Governors of Queen Anne's Bounty, and a House and Land of the Value of 750*l.*

Purchase

Purchase of other Lands, Tenements, and Hereditaments, under the Authority of the Court of Chancery, in the Manner herein-after mentioned; but the Purposes aforesaid cannot be effected without the Authority of Parliament: Wherefore Your Majesty's most dutiful Subjects, the Governors of the said Hospital, do most humbly beseech 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, That at any Time from and after the passing of this Act it shall and may be lawful to and for the Governors of the said Hospital, and their Successors for the Time being, by Deed under their Common Seal, and enrolled in the High Court of Chancery within Six Months after the Date thereof, to declare that an annual Sum of Two hundred and twenty Pounds shall be payable half-yearly, from such Time as in such Deed shall be expressed, to the Curate for the Time being of the said Curacy, and his Successors for ever, out of the said Tithes, and also thereby to declare that in the event of the same Tithes being commuted under any Act or Acts of Parliament for the Commutation of Tithes in *England* and *Wales*, then such annual Sumof Two hundred and twenty Pounds shall be a Rent-charge to be charged by Apportionment by the Commissioners acting in that Behalf in the Execution of the said Act or Acts upon such Lands in the said Parish as such Commissioners shall think fit.

The Governors may, by Deed, assign an annual Sum of 220*l.* to the Curate of the Church of Hartland for the Time being out of the Tithes.

II. And be it enacted, That from and after the Time in and by such Deed in that Behalf appointed, and unless and until the said annual Sum of Two hundred and twenty Pounds shall be commuted into a Rent-charge, as herein-after mentioned, the said annual Sum of Two hundred and twenty Pounds shall be payable and paid half-yearly to the Curate for the Time being of the said Curacy, and his Successors for ever, out of the said Tithes, by the Governors of the said Hospital for the Time being, and their Successors, so long as they shall continue to be the Owners of the said Tithes, and from and after the Conveyance herein-after authorized and directed of the said Tithes, by the Person or Persons for the Time being entitled to such Tithes.

The annual Sum of 220*l.* to be payable half-yearly;

III. And be it enacted, That from the Time when the said annual Sum shall have become payable as aforesaid the said Stipend of Twenty Pounds *per Annum* shall for ever cease to be payable.

and the annual Stipend of 20*l.* then to cease.

IV. And be it enacted, That from and after the Time when such Deed as aforesaid shall have been enrolled as aforesaid it shall and may be lawful for the Governors of the said Hospital, and their Successors for the Time being, to grant, bargain, sell, alien, release, convey, and assure the said Advowson or perpetual Right of Presentation of, in, and to the said Curacy, for the best Price or Prices in Money that can be reasonably had or gotten for the same, to any Person or Persons willing to become and be the Purchaser or Purchasers thereof, or as he, she, or they shall appoint.

When Deed enrolled, the Governors may sell the Advowson.

V. And

When Sale made, the Obligation of the Governors to provide a Chaplain or Curate to cease.

V. And be it enacted, That from and after such Sale of the said Advowson and perpetual Right of Presentation the Obligation of the Governors of the said Hospital for the Time being, and their Successors, or other the Owners or Owner for the Time being of the said Rectory, Church, and Tithes, to find and provide One sufficient and able Chaplain or Curate at the Parish Church of *Hartland* aforesaid to serve, and at the Holy Sacrament and all parochial Services within the said Parish to officiate, shall for ever cease and determine.

In the event of the Tithes being commuted, the Commissioners under the Act to appropriate the 220*l.* to the Curate.

VI. And be it enacted, That in the event of the said Tithes being commuted by Agreement or Award under the Provisions of any Act or Acts of Parliament for the Commutation of Tithes in *England* and *Wales*, it shall and may be lawful for the Commissioners acting in that Behalf under such Act or Acts of Parliament and they are hereby required to apportion and appropriate to the Curate for the Time being of the said Curacy, and his Successors for ever, in lieu of the said annual Sum of Two hundred and twenty Pounds, when declared by such Deed as aforesaid, a Rent-charge of the same Amount, subject to subsequent Variation, as in the same Act or Acts provided, and to charge the same Rent-charge on such Lands in the said Parish at present subject to the said Tithes to a corresponding Extent, and to make such Alterations in respect thereof in any Award or Awards of the said Commissioners, or to make such supplementary Award or Awards in respect thereof, as to them shall seem best, for the Purpose of securing to such Curate and his Successors for ever a Rent-charge of an Amount corresponding with the Benefit of the said annual Sum, and subject to such Variation as aforesaid, the Rent-charge appropriated to the Owner or Owners for the Time being of the said Tithes being of an Amount correspondent with their Interest in the said Tithes subject to the said annual Sum of Two hundred and twenty Pounds, such Rent-charges respectively to be apportioned and appropriated separately according and to be in all respects subject to the Provisions and Powers of such Act or Acts; and that in the event of such Alteration or supplementary Award or Awards as aforesaid being made by such Commissioners, all the Provisions and Powers of the said Act or Acts relating to Awards shall be applied in every such Case, in respect of the Matters dealt with in such Alteration or supplementary Award or Awards, as if no Award or Agreement had been made.

Authorizing the Sale of the Rectory and Church and Tithes after the Deed is enrolled.

VII. And be it enacted, That at any Time from and after the Time when such Deed as aforesaid shall have been enrolled as aforesaid it shall and may be lawful to and for the Governors of the said Hospital, and their Successors for the Time being, to grant, bargain, sell, alien, release, convey, and assure the said Rectory and Church, and all Tithes, great and small, and Emoluments whatsoever thereto belonging, incident, or appurtenant, subject to such Endowment as aforesaid, and to the said annual Payment to the Archdeacon of *Barnstaple* for the Time being and his Successors, but freed from any Obligation or Liability in respect of the said Curacy, except as to the said annual Sum to the said Archdeacon for the Time being and his Successors, or in the event of the said Tithes having been commuted, under any Act or Acts of Parliament for the Commutation of Tithes

in *England* or *Wales*, then to grant, bargain, sell, alien, release, convey, and assure the Rent-charge apportioned or appropriated to the Governors of the said Hospital for the Time and their Successors, subject only to the said annual Payment to the said Archdeacon for the Time and his Successors, and free from any Liability in respect of the said Curacy, for the best Price or Prices in Money that can be reasonably had or gotten for the same, to any Person or Persons willing to become and be the Purchaser or Purchasers thereof, or as he, she, or they shall appoint.

Authorizing the Sale of the Lands and Tenements in the Parish of Hartland.

VIII. And be it enacted, That at any Time after the passing of this Act it shall and may be lawful for the Governors of the said Hospital for the Time being, and their Successors, to grant, bargain, sell, alien, release, convey, and assure the Inheritance in Fee Simple of and in the said Lands and Tenements in the Parish of *Hartland* aforesaid, and all Houses, Outhouses, Edifices, Buildings, Lands, Meadows, Feedings, Pastures, Ways, Commons, Easements, and Appurtenances whatsoever thereto or to any Part thereof belonging or in anywise appertaining, or accepted, reputed, or taken as Part, Parcel, or Member thereof or of any Part thereof, either together or in Parcels, for the best Price or Prices in Money that can be reasonably had or gotten for the same, to such Person or Persons as shall be willing to become and be the Purchaser or Purchasers thereof, or of any Part or Parts thereof respectively, or as he, she, or they shall appoint.

Power for Purchasers under the Act to hold.

IX. And be it enacted, That from and after each of such Sales and Conveyances respectively as are herein-before authorized, and Payment of the Purchase Money thereon into Court, as herein-after mentioned, it shall and may be lawful for the Purchaser or Purchasers in each such Conveyance as aforesaid, and his, her, and their Heirs and Assigns respectively, peaceably and quietly to have, hold, retain, and enjoy, to him, her, or them, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, the Hereditaments and Premises to him, her, or them conveyed and assured as aforesaid respectively, against them the Governors of the said Hospital for the Time being, and their Successors, and all and every Person and Persons having or claiming any Estate or Interest therein, in Trust for the Governors of the said Hospital or their Successors, and that such Sale and Sales, Conveyance and Conveyances, Assurance and Assurances, respectively, shall stand and be good and effectual against the Governors of the said Hospital and their Successors, any Law, Statute, or other Matter or Thing to the contrary notwithstanding.

Purchase Money to be paid into the Bank of England.

X. And be it enacted, That the Purchase Money on each such Sale as aforesaid shall be paid by the Purchaser or respective Purchasers into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* such Purchaser or Purchasers respectively, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, and without Fee or

Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, Chapter Twenty-four.

Certificate of the Accountant General, and the Receipt of One of the Cashiers of the Bank, to be a sufficient Discharge for the Purchase Money.

XI. And be it enacted, That the Certificate of the Accountant General of the said Court of Chancery, together with the Receipt of any One of the Cashiers of the Bank of *England*, to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment by such Purchaser or Purchasers of such Purchase Money as aforesaid, shall in each Case be deemed and taken to be a good and sufficient Discharge to such Purchaser or Purchasers for the Sum therein expressed to be received; and that upon filing such Certificate and Receipt as aforesaid such Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, in each Case, shall be, and he, she, and they is and are hereby absolutely acquitted and discharged of and from the same Sum and every Part thereof, and shall not be answerable for any Loss or Misapplication thereof, nor be bound or concerned to see to the Application thereof or of any Part thereof.

Until other Estates are purchased the Money to be invested in Bank Three Pounds per Centum Annuities.

XII. And be it enacted, That until such Purchase or Purchases as herein-after authorized shall be made the Monies paid into the Bank of *England* as aforesaid, or so much thereof as shall not be ordered by the said Court of Chancery to be applied in Payment of Costs and Expences, according to the Directions herein-after contained, and shall not be immediately required for the Purpose of any such Purchase or Purchases, shall be laid out by the Accountant General of the said Court of Chancery, in his Name, in the Purchase of Bank Three Pounds *per Centum* Consolidated Annuities, and that the Accountant General of the said Court shall and may, with the Approbation of the said Court, on Petition in a summary Way of the Governors of the said Hospital for the Time being, sell and dispose of the said Bank Annuities, or such Part thereof as may from Time to Time be required for the Purposes herein-after mentioned.

Money to be laid out in the Purchase of other Estates.

XIII. And be it enacted, That as soon as conveniently may be after any such Sale by the Governors of the said Hospital for the Time being, as herein-before authorized, as well the Money paid into the Bank of *England* as aforesaid, as the Money produced by any Sale or Sales of Bank Three Pounds *per Centum* Consolidated Annuities wherein such Money as aforesaid shall have been invested, shall and may, after deducting thereout such Costs, Charges, and Expences as herein-after mentioned, be by the Governors of the said Hospital for the Time being, or their Successors, (with the Approbation of the High Court of Chancery, on Petition in a summary Way,) laid out in some convenient Purchase or Purchases of Manors, Lands, Tenements, or Hereditaments in that Part of *Great Britain* called *England*, to be conveyed to the Governors of the said Hospital for the Time being, and their Successors, and to be held and enjoyed, and the Rents, Issues, and Profits thereof to be disposed of by the Governors of the said Hospital for the Time being, and their Successors, in such Manner, and for such charitable Uses, Intents, and Purposes, as other the Lands, Tenements, and Hereditaments

of the Governors of the said Hospital, and the Rents, Issues, and Profits thereof, are or ought to be held, enjoyed, and disposed of by them, and that no Forfeiture shall accrue by reason of any such Conveyance to the Governors of the said Hospital and their Successors, any Statute or Statutes made against conveying or purchasing or acquiring of Lands or Tenements in Mortmain, or any other Law, Statute, or Ordinance, to the contrary thereof in anywise notwithstanding.

Provision for Costs.

XIV. And be it enacted, That it shall be lawful for the said Court of Chancery from Time to Time, upon Petition in a summary Way, to make such Order or Orders as the said Court shall think fit, for allowing, taxing, and settling all Costs, Charges, and Expences incurred or to be incurred in preparing, obtaining, and passing this Act, and in making any Applications to the said Court in pursuance thereof, and in making and completing the Sales and Purchases hereby authorized, or otherwise in carrying this Act into execution; and also from Time to Time to make any Order or Orders for the Payment of such Costs, Charges, and Expences as aforesaid, out of the Monies arising from such Sale or Sales by the said Governors aforesaid, or from such Sale or Sales as aforesaid of Bank Three Pounds *per Centum* Consolidated Annuities.

Surplus, if any, to be paid to Governors of the Hospital.

XV. And be it enacted, That the Surplus, if any, which shall remain after answering all the Purposes aforesaid, shall, with the Approbation of the said Court of Chancery, on Application by Petition in a summary Way, be paid to the Governors of the said Hospital for the Time being, to be by them applied for the Benefit of the said Hospital in like Manner as the ordinary Revenue thereof.

Tithes and Rents until Sale, and Dividends afterwards, to be applied as if the Act had not been passed.

XVI. And be it enacted, That in the meantime, and until such Sales respectively shall be made and completed as aforesaid, the said Tithes or Rent-charge, and the Rents and Profits of the said Lands and Tenements, or of such Part thereof as shall remain unsold, shall be had, received, and taken by the Governors of the said Hospital, and their Successors for the Time being, and until such Purchase or Purchases as herein-before authorized shall be made, the Dividends on such Consolidated Bank Annuities, or on so much thereof as shall not be ordered to be applied as aforesaid, shall, from Time to Time as the same shall accrue, be paid to the Governors of the said Hospital and their Successors for the Time being, for the Benefit of the said Hospital, in like Manner as they would have had, received, and taken the said Tithes or Rent-charge, Rents and Profits, in case this Act had not been passed.

Saving of Rights.

XVII. Saving to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, their Heirs and Successors, (other than the said Governors and their Successors, after such Sale or respective Sales made by them as aforesaid,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the said Rectory, Church, Tithes, Advowson, Right of Presentation, Lands, and

and Tenements, or any of them, and every or any Part thereof, as they or any of them had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not been passed.

Act as printed by Queen's Printers to be Evidence.

XVIII. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1842.