ANNO PRIMO

VICTORIÆ REGINÆ.

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Cap. 15.

An Act for the Sale of the Advowson of the Vicarage of *Painswick* in the County of *Gloucester*.

[11th *June* 1838.]

Deed of Trust of the Advowson of Painswick, 9th February 1838.

WHEREAS by an Indenture bearing Date the Ninth Day of *February* One thousand eight hundred and thirty-eight, and made between *John Gardner* of the *Ham-butts* in the Parish of *Painswick* in the County of *Gloucester*, Gentleman, of the one Part, and *William Henry Hyett* Esquire, *Edward Palling Caruthers* Esquire, *William Capel* Esquire, *William Palling* Clothier, *Robert Lawrence Townsend* Esquire, *Charles Baker* Land Surveyor, *Charles Thomas Cox* Esquire, and *Nathaniel Samuel Marling* Esquire, all of *Painswick* aforesaid, of the other Part, the Advowson of the Vicarage and Parish Church of *Painswick* aforesaid was granted, bargained, and sold by the said *John Gardner*, the then surviving Trustee thereof, to the other Persons Parties to the same Indenture, and their Heirs, to the Use of the said *John Gardner*, *William Henry Hyett*, *Edward Palling Caruthers*, *William Capel*, *William Palling*, *Robert Lawrence Townsend*, *Charles Baker*, *Charles Thomas Cox*, and *Nathaniel Samuel Marling*, their Heirs and

Assigns, in Trust that they, their Heirs and Assigns, should from Time to Time and at all Times, when and so often as any Avoidance of the said Vicarage should happen by Death, Cession, Resignation, or otherwise, in due Form of Law and in due and reasonable Time present such Clerk and Clerks to the Ordinary as the Inhabitants and Parishioners of the said Parish of *Painswick*, or the major Part of the chiefest and most discreet, should upon every such Avoidance as aforesaid for the Purpose nominate unto them: And whereas it appears from a Decree of Her Majesty's Court of Exchequer, in a Cause wherein *John Fearon* Clerk was Plaintiff, and *John Gardner*, *Nicholas Webb*, and others were Defendants, and bearing Date the Fourth Day of *February* One thousand eight hundred and two, that the Right of Nomination to the Trustees for the Purpose of Presentation to the said Parish Church and Vicarage was in the major Part of the Inhabitants of the said Parish of *Painswick*, such Inhabitants being Parishioners of *Painswick*, paying Scot and bearing Lot therein, and having attained the Age of Twenty-one Years: And whereas the existing Method of electing a Vicar has been found to be productive of Riot and Disorder, and to be in many respects inconvenient, and the same is detrimental to the Interests of the said Parish, and injurious to the Cause of Religion: And whereas at a Meeting held in the said Parish on the Twenty-fifth Day of *January* One thousand eight hundred and thirty-eight, which Meeting was summoned by the Churchwardens of the said Parish in consequence of a Requisition of several respectable Inhabitants of the said Parish, and at which Meeting several Persons attended, it was unanimously resolved that it was highly expedient that a Sale of the said Advowson should take place, and that an immediate Application should be made to Parliament for an Act for the Purpose of effecting such Sale, and that the Proceeds of the Sale, after Payment of the Expences attending the Application to Parliament and the Sale of the Advowson, should be invested in Government Securities or in Land in the Names of Trustees, and the Income be applied towards the Payment of the Poor's Rates: And whereas the Objects aforesaid cannot be effected 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, That the Advowson and Right of Presentation to the Vicarage and Parish Church of *Painswick* aforesaid shall from and immediately after the passing of this Act be and remain vested in and the same is hereby absolutely vested in the said *John Gardner*, *William Henry Hyett*, *Edward Palling Caruthers*, *William Capel*, *William Palling*, *Robert Lawrence Townsend*, *Charles Baker*, *Charles Thomas Cox*, and *Nathaniel Samuel Marling*, their Heirs and Assigns, for ever, freed and absolutely acquitted, exonerated, and discharged from all and singular the Trusts in and by the said Indenture of the Ninth Day of *February* One thousand eight hundred and thirty-eight, or any previous Deed or Instrument, expressed or declared of or concerning the same Advowson, but upon Trust nevertheless that they the said *John Gardner*, *William Henry Hyett*, *Edward Palling Caruthers*, *William Capel*, *William Palling*, *Robert Lawrence Townsend*, *Charles Baker*, *Charles Thomas Cox*, and *Nathaniel Samuel Marling*, or the Survivors or Survivor

Decree of the Court of Exchequer as to Right of Nomination to the Vicarage, 4th February 1802.

Advowson vested in Trustees to sell.

Survivor of them, or the Heirs of such Survivor, or their or his Assigns, (being Trustees appointed as herein-after mentioned,) do and shall at any Time after the passing of this Act absolutely make sale and dispose of the said Advowson, either by public Auction or private Contract, unto any Person or Persons who shall or may be willing to become the Purchaser or Purchasers thereof, and for the best Price or Prices that can or may be reasonably obtained for the same, which Sale may be made subject to any special Conditions as to Title or otherwise as to the said Trustees for the Time being under this Act shall seem expedient; and the said Trustees shall have full Power, Liberty, and Authority to buy in the same Advowson when put up or offered for Sale at any Auction, and to re-sell the same at any future Auction, or by private Contract, without being answerable for any Loss which may happen by such Re-sale; and the said Trustees shall do, perform, and execute all such Acts, Deeds, Matters, and Things as may be requisite and proper for effectuating such Sale, and on Payment in manner herein-after mentioned of the Money which shall arise from such Sale shall convey the said Advowson to the Purchaser or Purchasers thereof, and his, her, or their Heirs and Assigns for ever, or to such Uses as he or they shall direct.

Monies arising from Sale to be paid into the Bank.

II. And be it further enacted, That the Money which shall arise from the Sale of the Advowson to be made in pursuance of this Act shall be paid by the Purchaser or Purchasers thereof 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* "The Purchaser or Purchasers of the Advowson of *Painswick*," 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 Accountant General and Receipt of Cashier of Bank to be sufficient Discharges to Purchasers.

III. And be it further enacted, That the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of one of the Cashiers of the Bank of *England* to be thereto annexed and therewith filed in the Register Office of the Court of Chancery, of the Payment into the Bank of *England* by such Purchaser or Purchasers of his, her, or their Purchase Money, or an Office Copy or Office Copies thereof, shall be and be deemed and taken to be a good and sufficient Discharge or good and sufficient Discharges to such Purchaser or Purchasers, and to his, her, or their Heirs, Executors, Administrators, or Assigns, for the same; and that such Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, shall not afterwards be liable to see to the Application of such Monies, nor be answerable or accountable for any Loss, Misapplication, or Nonapplication of the same.

Application of Moies arising from Sale.

IV. And be it further enacted, That the Monies which shall be paid into the Bank as aforesaid shall be applied, under the Direction of the Court of Chancery, on a Petition to be presented to the said Court in a summary

summary Way by the Trustees for the Time being under this Act, in the first Place, to the Payment and Discharge of all Costs, Charges, and Expences incurred in the Preparation and passing of this Act, or in anywise relating thereto, and of all Expences incurred by or relating to the Sale of the said Advowson, and to the Investment of the Surplus of the said Trust Money; and the Surplus of the said Monies shall be laid out, in the Name of the Accountant General of the said Court, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities or Three Pounds *per Centum* Reduced Bank Annuities, transferable at the Bank of *England*; and the Dividends of such Bank Annuities shall from Time to Time be paid to the Trustees for the Time being under this Act, who shall apply the same in reduction of such Parochial Rates chargeable on the said Parish of *Painswick*, or on the Owners or Occupiers of Tenements in the said Parish liable to Rates, as the Trustees for the Time being under this Act, or the Majority in Number of such Trustees, shall from Time to Time direct and appoint.

Until the Sale, the Nomination to the Living to remain as before.

V. And be it further enacted, That in case of the Death, Cession, or Resignation of the present Incumbent, or of any future Incumbent of the said Vicarage or Living of *Painswick*, the same shall become vacant before the Sale of the said Advowson hereby directed to be made shall have been made, then and in every or any such Case the Trustees for the Time being under this Act shall present to the said Vicarage such Person as shall be nominated and elected for that Purpose by the Persons who if this Act had not been passed would have been entitled to nominate a Clerk to be presented to the said Vicarage.

Power to appoint new Trustees.

VI. Provided always, and be it further enacted, That in case any of the Trustees for the Time being under this Act shall die, or desire to be discharged from, or shall depart the Realm, or decline or become incapable to act in the Execution of the subsisting Trusts under this Act, then and so often it shall be lawful for the major part in Number of the Male Inhabitants of the said Parish of *Painswick* paying Scot and bearing Lot therein, and who shall have attained the Age of Twenty-one Years, at a Meeting summoned by Three at least of the Trustees, and of which at least Seven Days previous Notice, to be affixed on the principal Door of the Church of *Painswick*, shall have been given, to nominate any other Person or Persons to be a Trustee or Trustees for the Purposes aforesaid in the Stead or Place of the Trustee or Trustees so dying, or desiring to be discharged, or departing the Realm, or declining or becoming incapable to act; and that when and so often as any new Trustee or Trustees shall be nominated as aforesaid all and singular the Trust Property shall thereupon with all convenient Speed be conveyed or transferred so and in such Manner as that the same may be vested in or placed and stand in the Name or Names of such new Trustee or Trustees jointly with the surviving or continuing Trustees on the Trusts aforesaid; and all such new Trustees shall have the same Powers as the Trustees in whose Place they shall be appointed; and if and when and so often as the said Trustees shall be reduced to

Three in Number it shall be incumbent on such Trustees to exercise this present Power; but if at any Time or Times it shall be found impracticable to appoint new Trustees, such Appointment, and all Acts, Deeds, Matters, and Things consequent thereon, shall and may be made, done, and executed by and under the Direction of the said High Court of Chancery, on Application to the said Court by Petition as aforesaid.

Indemnity to Trustees.

VII. Provided also, and be it further enacted, That the said several and respective Trustees, their Heirs, Executors, or Administrators, shall not be answerable or accountable the one for the other of them, nor for involuntary Losses, or any Loss which shall happen without their or his wilful Neglect or Default; and that by and out of any Monies which shall come to the Hands of such Trustees or Trustee it shall be lawful for them or him to retain to and reimburse themselves and himself all Costs, Charges, and Expences which they or he respectively may pay, incur, sustain, or be put to in the Discharge of the Trusts to be in them or him reposed.

Court of Chancery may make Orders for Taxation of Costs.

VIII. And be it further enacted, That it shall and may be lawful for the said High Court of Chancery, on Petition in a summary Way by the Trustees for the Time being under this Act, from Time to Time to make such Orders as the said Court shall think fit, expedient, and reasonable, for allowing, taxing, and settling all such Costs, Charges, and Expences as shall have been or shall be incurred preparatory to and in soliciting and applying for and obtaining and passing this Act, and in making the Applications to the said Court in pursuance hereof, and in making and completing the Sales, Purchases, and other Matters and Things hereby authorized to be made or done, and otherwise for carrying the Trusts and Purposes of this Act into execution; and also from Time to Time to make such Order or Orders as the Court shall think fit, for the Payment of all such Costs, Charges, and Expences as aforesaid, out of any Monies or Fund which shall be vested in the Trustees for the Time being under this Act.

General Saving.

IX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the Parishionery or Inhabitants of *Painswick* aforesaid for the Time being, and all Persons who now are and heretofore have been Trustees of the said Advowson, and their several and respective Heirs and Assigns, and all other Persons and Bodies Politic and Corporate having or claiming any Estate, Right, Title, or Interest in or to the said Advowson under or by virtue of the original Creation of the Trust of the said Advowson, or of any subsequent Deed or Instrument relating thereto,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever of, in, to, or out of the said Advowson or Right of Presentation as they, every or any of them had before the passing of this Act, or might have had or enjoyed in case this Act had not been passed.

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

X. And be it further 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 EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.