ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

CAP. XVIII.

An Act to explain and amend the Acts regulating the Sale of Parish Property; and to make further Provision for the Discharge of Debts, Liabilities, and Engagements incurred by or on behalf of Parishes. [13th *May* 1842.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to facilitate the Conveyance of Workhouses and other Property of Parishes, and of Incorporations or Unions of Parishes, in* England *and* Wales, it was among other things enacted, that it should be lawful for the Guardians and Overseers of the Poor of any Parish or Union of Parishes, under the Direction and with the Approbation of the Poor Law Commissioners for *England* and *Wales*, to dispose of, by way of absolute Sale, or in exchange for any Messuages, Lands, or other Hereditaments, any Lands or Buildings, for the Purpose of the same being used as the Site of a Workhouse, or of being occupied with a

5 & 6 W. 4. c. 69. s. 1.

Workhouse, or for any other Purpose relating to the Relief of the Poor which the said Poor Law Commissioners might approve of; and Doubts have been raised as to the Meaning in certain Cases of this Provision: Be it therefore 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 all Sales, Lettings, Exchanges, or Dispositions of Lands, Buildings, or other Property belonging to any Parish or Union not formed by the Poor Law Commissioners, which shall have been or shall be made for any of the said recited Purposes by virtue of the said Act, and of the Statute amending the same passed in the First Year of the Reign of Her Majesty, under the Order of the said Commissioners, by a Majority of the Overseers of such Parish or of the last acting Guardians of such Union respectively, to the Guardians of any Union formed by the said Commissioners, shall be and be taken to have been valid.

All Sales and Dispositions of Lands, Buildings, &c. by Overseers and acting Guardians of dissolved Incorporations to Unions formed under 4 & 5 W. 4. c. 76. and 7 W. 4. & 1 Vict. c. 50. deemed valid.

II. And whereas by the said Act it was further enacted, that it should be lawful for the Guardians of any Parish or Union, and for the Overseers of any Parish not under the Management of a Board of Guardians, and for the Guardians or Trustees, Guardian or Trustee of any dissolved Union, or the Person or Persons who were the Guardians or Trustees, Guardian or Trustee of any dissolved Union at the Time of its Dissolution, or a Majority of such Guardians, Trustees, or Persons, if more than One, with the Approbation and subject to the Rules, Orders, and Regulations of the Poor Law Commissioners, to sell, exchange, let, or otherwise dispose of any Workhouse, Tenements, Buildings, Land, Effects, or other Property belonging to any such Parish or Union, or vested in Trustees or Feoffees in Trust for such Parish or Union, or for the Parishioners, Rate-payers, or Inhabitants thereof, or which belong or did belong to any dissolved Union, and every or any Part of such Property, and to convey, assign, or transfer the same accordingly to the Purchasers or Parties exchanging, as they should direct; which said Provisions have been extended by the said Act passed in the First Year of the Reign of Her present Majesty, and Doubts have arisen as to the Meaning and Extent of such Provisions; be it therefore declared and enacted, That the said Provisions shall be deemed to have authorized and to authorize the Sale, Exchange, Letting, and Disposal, by the Guardians of a Union formed or to be formed by the said Commissioners, of any Workhouse, Tenements, Buildings, Land, Effects, or other Property belonging to any Parish which shall be comprised in the said Union, and in Cases of the Sale, Exchange, Letting, and Disposal of Workhouses, Tenements, Buildings, Land, Effects, and other Property belonging to a dissolved Union to have applied and to apply to a Majority of the Persons who were the last acting Guardians previous to the Dissolution of such Union: Provided always, that nothing in this Act shall

Explanation of the Meaning of 5 & 6 W. 4. c. 69. s. 3.

be deemed to render valid or to authorize the Sale, Exchange, Letting, or other Disposition of any Property whatsoever which shall have been given or bequeathed by way of charitable Donation, or shall have been allotted in right of some charitable Donation or otherwise, for the poor Persons of any Parish, and not for the general Benefit of the Rate-payers, Parishioners, or Inhabitants of such Parish, nor to dispense with the Consent of the Rate-payers and Owners of Property required by the said last-recited Act to all Sales, Exchanges, Lettings, or other Dispositions of Property belonging to any Parish, except in the Case next herein-after provided.

Proviso for charitable Donations;

and for Consent of Rate-payers, &c. to certain Sales, &c.

III. And be it enacted, That where several Parishes shall have been or shall be jointly interested in any Workhouse, Tenements, Buildings, Lands, whether of Freehold, Copyhold, or Customary Tenure, Effects or other Property, it shall be deemed to have been and shall be lawful for the said Commissioners, upon the Application of the Overseers of the major Part of such Parishes, and with the Consent of the Rate-payers and Owners of Property in the major Part of such Parishes, to be ascertained in the Manner directed by the said Act, to order the same to be sold, let, exchanged, or disposed of by the Guardians of the Union in which such Parishes or the greater Part thereof shall be situate, in such Manner, and subject to such Rules, Orders, and Regulations, as the said Commissioners shall deem fit; and it shall be deemed to have been and to be lawful for the said Commissioners to direct the Application of the Produce arising from such Sale, Letting, or Disposition in the same Manner and to and for the same Purposes as the Produce arising from the Sales of Property belonging to other Parishes may be applied to: Provided always, that where any Conveyance, by way of Sale, Lease, Exchange, Disposition, or otherwise, of any Property belonging to a Parish or Union, whether dissolved or not, shall have been or shall hereafter be made by the Guardians of any existing Union, or a Majority of the last acting Guardians of any dissolved Union, under the Order of the said Commissioners, the same shall be deemed to have been and to be valid for all the Purposes of such Conveyance, although the legal Estate in such Property shall be or shall be presumed to be oustanding in some Trustee or Trustees who shall not have joined in such Conveyance; and in Cases of Copyhold or Customary Lands the Surrender of the Tenant on the Roll, being a Trustee for any Parish or Union, shall not be required, but the Admission of the Party to whom the Guardians or Overseers shall, under the Authority of the said recited Acts or this Act, have conveyed the same, shall take place, upon the Production to the Steward of the Manor of which such Lands shall be held of the Conveyance from such Guardians or Overseers duly executed, and upon Payment of such Fines, Dues, or Services to the Lord of the Manor of which the said Lands shall be holden, and his Steward, as they respectively would

For Sale of Property belonging to several Parishes.

Proviso that no Trustee shall be required to join in any Conveyance of Parochial Property.

would be entitled to upon the Admission of such Party after a Surrender by a Tenant on the Roll.

Provisions of 1 & 2 Vict. c. 25. for the Payment of Debts out of the Produce of the Sale of Parochial Property extended to any recognized bonâ fide Debts.

IV. And whereas by an Act passed in the First Year of the Reign of Her present Majesty, to explain and amend an Act of the Seventh Year of His late Majesty, for extending the Period for the Repayment of Loans made under an Act passed in the Fifth Year of His said late Majesty, for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*, Provision was made for Payments in certain Cases, out of the Produce arising from Sales of Parish Property, in liquidation of the Debts, Liabilities, or Engagements of such Parish, and it is expedient to extend the Operation of the said Act; be it enacted, That the Powers and Provisions of the said recited Act shall extend and apply to the Payment of any Debts, Liabilities, or Engagements which heretofore have been *bonâ fide* entered into by the Parish Officers or other Person or Persons on behalf of any Parish, and which shall be proved to the Poor Law Commissioners to have been recognized, within One Year before the passing of the said Act of the Fifth Year of His late Majesty, as existing Parish Debts, Liabilities, or Engagements, by the Inhabitants of such Parish in Vestry assembled, or by Payment and Allowance of Interest thereon out of the Funds applicable to the Relief of the Poor of such Parish.

Poor Law Commissioners may, upon Receipt of a Parochial Request, order Payment of the aforesaid Debts out of the Poor Rates.

V. And be it enacted, That it shall be lawful for the Poor Law Commissioners, by an Order under their Hands and Seal, upon the Receipt of a Copy under the Hands of the Overseers of the Poor of any Parish of a Resolution passed at a Meeting of Rate-payers and Owners of Property entitled to vote according to the Provisions of the said Act of the Fifth Year of the Reign of His late Majesty, duly convened and held for the Purpose, after public Notice of the Time and Place and Purpose of holding such Meeting shall have been given in like Manner as Notices of Vestry Meetings are published and given, consenting to the Issue of such Order, to direct the said Overseers, by equal annual Instalments, not exceeding Ten, to pay or discharge, out of the Poor Rates, or other Monies in their Hands applicable in aid of the Poor Rates of the said Parish, any such Debt, Liability, or Engagement as aforesaid, together with all Interest due or hereafter to accrue in respect of such Debt, Liability, or Engagement; provided that the said Commissioners shall be satisfied, before they issue any such Order, that such Debt, Liability, or Engagement constitutes a fair and just Claim against the said Parish, and shall approve of and sanction the Discharge thereof.

Overseers may borrow Money, and charge the

VI. And be it enacted, That it shall be lawful for the said Overseers, and they are hereby required, if so directed by such Order and Resolution as aforesaid, to borrow any Sum that may be requisite to enable

enable them to pay and discharge any such Debt, Liability, or Engagement as aforesaid, or any Part thereof, and to charge the Poor Rates of the said Parish with the Repayment of the Sum borrowed for such Purpose, and the Interest thereof, so nevertheless that the Sum so borrowed shall be repaid by equal annual Instalments, not exceeding Ten; and every Instrument by which the Rates shall be charged under the Provisions of this Act shall be approved of by the Poor Law Commissioners, and registered in their Office.

same on the Poor Rates, for the Payment of such Debts.

VII. And whereas various Sums of Money have been borrowed under the Authority of an Act passed in the Twenty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, and Securities authorized by that Statute have been given in respect of such Sums of Money, and are now outstanding against the Parishes on whose Behalf the said Sums were advanced, and the Provisions of the several Statutes in this Behalf do not afford a satisfactory Mode of liquidating such Debts; be it therefore enacted, That where any Parish is now or at any Time hereafter shall be comprised in any Union formed or to be formed under the said Act of the Fifth Year of the Reign of His late Majesty, or shall be under the Management of a Board of Guardians, and the Poor Rates thereof shall be liable to the Payment of any Debt duly borrowed and secured under the Authority of the said Act of the Twenty-second Year of the Reign of King *George* the Third, the Guardians of such Union or Parish respectively shall be required to make such Provision for the Liquidation of the said Debt in full, or by equal annual Instalments, not exceeding Ten, as the said Commissioners shall by Order under their Hands and Seal direct; and for such Purpose such Guardians are hereby empowered to make any Order or Orders upon the Overseers of such Parish as the said Guardians may find necessary, and shall have all the same Powers for enforcing such Order or Orders as they now have by Law in regard to the Contributions required by such Guardians.

Provision for the Discharge of Bonds under 22 G. 3. c. 83.

VIII. Provided nevertheless, and be it enacted, That nothing in this Act contained shall be deemed or taken to render any Debt, Liability, or Engagement a valid Charge upon the Poor Rates of any Parish which is not at the Time of the passing hereof a subsisting legal Charge thereon, except where such Resolution shall have been passed and such Order shall have been made as aforesaid: And provided always, that every Payment out of the Poor Rates, either of Principal or Interest, in respect of any such Debt, Liability, or Engagement, without such Order of the said Commissioners, shall be unlawful, and as such disallowed in the Accounts of the Officer or Officers or other Person paying the same.

Payments in respect of Debts not legally charged on the Rates or provided for under this Act, illegal, and to be disallowed.

IX. And be it enacted, That every Word used in this Act shall, where the Context shall not be at variance with such Interpretation,

Interpretation of Act.

be deemed to express the Meaning assigned thereto in the said recited Act of the Fifth Year of the Reign of His late Majesty; and every Order, Regulation, Mortgage, Security, Charge, or other Instrument made and executed under the Provisions of this Act shall be subject to the same Incidents, Exemptions, Provisions, or Regulations as it would have been subject to if made under the Powers contained in the said last-recited Act.

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