3 G. 4. c. lxxxvi. An Act for continuing the Term and altering and enlarging the Powers of several Acts, passed in the Reign of King George the Second and His late Majesty King George the Third, for repairing the Road from Westwood Gate in the County of Bedford, through Rushden and Higham Ferrers, and over Artleborough Bridge, to Barton Seagrave Lane in the County of Northampton.

3 G. 4. c. lxxxix. An Act to continue the Term and alter and enlarge the Powers of an Act of His late Majesty King George the Third, for more effectually amending, widening, improving, and keeping in repair several Roads leading from the Hundred House in the County of Worcester, and also several other Roads therein mentioned.

4 G. 4. c. xxxi. An Act for repairing and improving the Road from Otley to Skipton in the County of York.

5 G 4. c. xxx. An Act for repairing, improving, and maintaining several Roads leading to and from Cerne Abbas in the County of Dorset.

5 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Road from Wilmslow Bridge in the County of Chester, through Nether Alderley and Congleton, to or near the Red Bull in Church Lawton in the said County.

5 G. 4. c. xcviii. An Act for more effectually repairing and improving certain Roads leading to, through, and from the Towns of Langport, Somerton, and Castle Cary, in the County of Somerset, and for making and improving other Roads in the said County.

6 G. 4. c. xxvii. An Act for more effectually repairing and improving the Road from Stockport in the County Palatine of Chester to near New Houses in the County of York, and other Roads in the said Counties, and in the County Palatine of Lancaster; and for making and maintaining several new Branches to communicate therewith.

6 G. 4. c. lii. An Act for amending and repairing the Turnpike Road leading from the North End of the Town of Rotherham to the East Side of Tankersley Park in the County of York.

6 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton and Alresford Turnpike Road near Ropley, in the County of Southampton; and for making and maintaining a new Branch of Road to communicate therewith.

6 G. 4. c. cxlvi. An Act for amending, repairing, and maintaining the Road from Worksop in the County of Nottingham to the North-east End of Attercliffe in the County of York.

7 & 8 G. 4. c. lvii. An Act for more effectually amending and improving the Road from Bawtry Bridge in the County of Nottingham to Hainton in the County of Lincoln, and other Roads therein mentioned.

9 G. 4. c. iv. An Act for repairing and improving the Road from Newcastle-under-Lyme to Leek, and several Branch Roads, all in the County of Stafford.

9 G. 4. c. xxxii. An Act for more effectually amending, widening, and keeping in repair Two several Districts of Road leading from High Bridges to Uttoxeter, and from the Newcastle Road at Spath, near Uttoxeter, to the Leek Road at or near Hanging Bridge in the County of Stafford.

9 G. 4. c. ci. An Act to alter, amend, and enlarge the Powers and Provisions of an Act for making a Turnpike Road from Wells next the Sea to Fakenham in the County of Norfolk, and other Roads connected therewith.

1 & 2 W. 4. c. xxxii. An Act for amending certain Roads in the County of Somerset, and for placing them and other Roads under the Care and Management of the Trustees of the Langport, Somerton, and Castle Cary Roads.

CAP. L.

An Act to enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, and to other beneficial Purposes; and for giving other Powers to such Persons. [14th *July* 1856.]

'WHEREAS it is expedient to authorize the Sale of Advowsons in Cases where the same are vested in, or in Trustees for, Inhabitants, Ratepayers, Freeholders, or other Persons, forming a numerous Class, and deriving no pecuniary Advantage therefrom, in order

'order that the Monies arising from such Sales may be applied to the Erection, Rebuilding, 'or Improvement (where necessary) of Parsonage Houses, and to the Augmentation of the 'Livings (where the same are small), and to other beneficial Purposes as herein-after pro-'vided; and that other Powers should be conferred upon such Persons:' 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, as follows:

Interpretation of certain Terms.

I. Unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the following Words shall have in this Section and elsewhere in this Act the respective Meanings hereby assigned to them; that is to say,

The Word "Advowson" means an Advowson vested in Inhabitants, Ratepayers, Freeholders, or other Persons, forming a numerous Class, or in Trustees appointed by or acting on behalf of such Persons, such Persons deriving no pecuniary Advantage from the Exercise of such Right, but does not mean an Advowson belonging to any endowed Charity within the Provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855," or either of them:

The Word "Owners" means the Inhabitants, Ratepayers, Freeholders, or other Class of Persons in whom, or in Trustees for whom, an Advowson is vested, such Persons deriving no pecuniary Advantage therefrom:

The Words "existing Trustees" mean the Trustees in whom for the Time being an Advowson is vested, by virtue of any Act of Parliament, Deed, or other Instrument, in trust for or on behalf of such Owners, and includes the Survivors and Survivor of such Trustees:

The Words "elected Trustees" mean the Persons appointed by the Owners under the Provisions of this Act to effect the Sale of an Advowson, and includes the Survivors and Survivor of such Trustees:

The Word "Trustees," without the Addition of the Words "existing" or "elected," includes both Classes of Trustees herein-before defined:

The Word "Incumbent" means the Rector, Vicar, or Perpetual Curate, as the Case may be, of a Church or Ecclesiastical Benefice, the Advowson of which is to be dealt with under this Act, and includes the Officiating Clergyman for the Time being if the Incumbent reside abroad or be incapable of acting.

Power to direct sale of an Advowson where required by Owners present at a Meeting convened for the Purpose.

II. The Owners of an Advowson may direct the Sale of such Advowson; and the Incumbent for the Time being of the Church or Benefice, if required in Writing by Ten Owners, shall convene a Meeting of the Owners, to be held at some convenient Place near to the Church, for the Purpose of deciding whether or not such Advowson shall be sold; and every such Meeting shall be called by Public Advertisement, to be inserted once at least in Four consecutive Weeks in some Newspaper circulating in the County and Neighbourhood in which such Church shall be situate, the last of such Insertions being not more than Fourteen nor less than Seven Days prior to any such Meeting, and Notice of such Meeting shall also, not less than Fourteen Days prior to the holding thereof, be affixed upon the Door of such Church.

Majority of Owners present to bind Minority.

III. At the Meeting so called the Incumbent for the Time being (if present) shall be the Chairman, and if he be absent, then One of the Owners present, being appointed by the other Owners present, shall be the Chairman, and the Decision of the Majority of the Owners then present shall bind the Minority and all absent Parties.

Meeting to decide Question of Sale, and if decided in Affirmative to appoint Persons to be "elected Trustees,"

IV. Such Meeting shall consider and determine the Question whether the Advowson shall be sold, and if that Question be resolved in the Affirmative, the existing Trustees (if such there be) shall be the Persons to execute the Purposes of this Act; but if there be no existing Trustees, the Owners shall proceed to appoint at that Meeting, or at some Adjournment thereof, not less than Five nor more than Eleven Persons, being Owners, to be "elected Trustees" for the Purposes of this Act, and the Incumbent for the Time being shall be *ex officio* an "elected Trustee" in addition to the Trustees so appointed.

Certificate by Two Justices of Consent of

V. A Certificate under the Hands of Two Justices (not being themselves Owners) having Jurisdiction in the Parish, Township, District, or Place within which the Church or Benefice

Owners being obtained, and of Names of "elected Trustees" (if any), to be sufficient Evidence.

Benefice in question is situate, certifying that the Consent of the Owners to a Sale of the Advowson has been duly obtained, and (in those Cases where it is necessary that "elected Trustees" be appointed) containing the Names, Residences, and Description of the "elected Trustees," shall be sufficient Evidence of such Consent and of such Appointment, and any Two Justices having Jurisdiction as aforesaid are hereby authorized and required, on Application to them made, and on being duly satisfied of the Truth of the Facts, to certify accordingly.

If determined to sell Advowson, the same to become absolutely vested in Trustees, and Trustees to proceed to a Sale.

VI. Immediately upon the Grant of such Certificate the Advowson shall become absolutely vested in the Trustees for the Purpose of effecting such Sale, freed from all the Uses, Trusts, and Declarations for the Benefit of or otherwise relating to the Owners then affecting the same, but subject to the Right, Title, Estate, or Interest (if any) of every other Person therein; and the Trustees shall, as soon thereafter as conveniently may be, sell the Advowson by Public Auction or by Private Contract, and subject to any special Conditions, as to them shall seem expedient, and may buy in the same at any Auction, and re-sell the same by Public Auction or by Private Contract, without being answerable for any Loss which may happen by such Re-sale, and shall have full Discretion in the Premises, and may execute and do all Contracts, Deeds, and other Acts necessary for effecting such Sale.

As to Conveyance of the Advowson.

VII. Any Conveyance of an Advowson in pursuance of this Act shall be by Deed (duly stamped) under the Hands and Seals of any Three of the Trustees, in which the Consideration shall be truly stated.

Receipts of Trustees to be sufficient Discharges.

VIII. The Receipt in Writing of Three of the Trustees for any Money paid to them by a Purchaser of the Advowson shall be an effectual Discharge to such Purchaser for the Sum which in such Receipt shall be acknowledged to be received, and such Purchaser shall not be obliged to see to the Distribution of such Money, or be otherwise answerable or accountable for the Loss, Misapplication, or Nonapplication thereof.

Application of Monies.

IX. The Monies to be received by the Trustees from or by means of such Sale shall be applied by them in the following Order:

1st. In Payment of the Costs, Charges, and Expenses occasioned by any Meeting of Owners as aforesaid, and by the Execution of the Powers by this Act conferred upon the Trustees, or incident thereto, respectively:

2d. If there be no Parsonage House attached to the Advowson so sold, or if the Parsonage House attached thereto be dilapidated or insufficient, then in Payment of the Expense of erecting a Parsonage House, and of providing a Site for the same, or in the Reconstruction or Repair of the existing Parsonage House, or in making any requisite Additions thereto, as the Circumstances of the Case may require:

3d. If the Living be under the gross yearly Value of One hundred and fifty Pounds, then in investing a Sum sufficient to produce an annual Income which, together with the existing annual Income, will raise the yearly Value of the Living (exclusive of the Parsonage House) to not exceeding One hundred and fifty Pounds *per Annum:*

4th. If the Fabric of the Church be in such a State as to require immediate Repair, then in the Expenditure upon the Fabric of a Sum sufficient to place the same in sufficient Repair:

5th. In the Investment of a Sum the annual Income whereof will, in the Opinion of the Trustees, be sufficient to maintain the Fabric of the Church in complete Repair:

6th. In the Erection of Schools in connexion with the Church, or of a Chapel of Ease in the Parish, Township, Ecclesiastical District, or Place in which such Church is situate, or of a Parsonage House to a Chapel of Ease, or in providing a Site for a Chapel of Ease or Parsonage House, or in the Endowment of a Chapel of Ease, or in contributing to such Objects or any of them, as the Trustees may in their Discretion see fit.

7th. If there be no such Purposes to which such Monies are applicable, or if there be a Surplus of such Monies after answering such Purposes, then such Monies, or the Surplus thereof, as the Case may be, shall be invested, and the annual Income thereof shall be applied, in aid of the Rates levied for the Relief of the Poor of the Parish, Township, or Place in which the Church is situate, or in aid of any Improvement Rate levied therein:

Provided

Provided always, that the Owners at any Meeting convened and held in manner herein-before provided may determine that any One or more of the Objects mentioned in the Fifth, Sixth, and Seventh Heads of Application respectively shall have Priority over any other Object mentioned in those Heads.

As to investing Monies.

X. The Trustees shall from Time to Time invest any Monies by this Act directed to be invested by them in the Purchase of any Government or Bank of *England* or *East India* Company's Stock or Securities, or on Mortgage of Freehold or Copyhold Lands in *England* or *Wales*, or in the Mortgages or Bonds of any Company incorporated by special Act of Parliament, as they may deem fit.

Concurrence of Two Thirds of Trustees necessary to give Effect to Resolutions.

XI. The Concurrence of Two Thirds at least of the whole Number of Trustees shall be necessary to give Effect to any Resolution of the Trustees, and every Resolution of the Trustees in which that Number shall concur shall be binding upon the other Trustees and upon the Owners on whose Behalf such Trustees are authorized to act.

For supplying Vacancies in the Number of Trustees.

XII. If any of the Trustees, before the complete Execution of the Trusts by this Act devolved upon them, should become incapable or unwilling to act or reside abroad, the Vacancies may, in the Case of existing Trustees, be supplied in the Manner provided by the Act of Parliament, Deed, or Instrument regulating their Proceedings; and in the Case of elected Trustees the Vacancies may be supplied by the Owners at any Meeting convened and held in manner herein-before provided with respect to the convening and holding of a Meeting of Owners for the Purpose of consenting to the Sale of an Advowson; and a Certificate of Two such Justices as aforesaid, and which such Justices, on being satisfied of the Truth of the Facts, are hereby authorized and required to grant, that such Vacancies have been supplied, and containing the Names, Residences, and Descriptions of the new Trustees, shall be conclusive Evidence of the Facts, and thereupon such new Trustees shall have the same Property, Rights, and Powers in and with respect to the Advowson as the Trustees in whose Place they were appointed.

Trustees not to be accountable for involuntary Losses.

XIII. Trustees acting by virtue of this Act shall not be answerable or accountable for the Acts, Neglects, or Defaults of any Co-Trustee, or for any Agent or Banker appointed by the Trustees, or for any Loss, except such as shall happen through their own wilful Act, Negligence, or Default.

Vacancies in the Incumbency before Sale to be filled up.

XIV. In case of the Death, Cession, or Resignation of any Incumbent of a Benefice after the Owners shall have directed the Advowson of such Benefice to be sold, but before the Sale shall have been effected, then the Persons in whom the Right of Presentation and Nomination would but for this Act have been vested shall (under and subject to the Conditions under which such Right would but for this Act have been exercised) present and nominate a Person to such Benefice as if this Act had not been passed.

Owners may consent to Advance of Money for Purposes authorized by 17 G. 3. c. 53., 21 G. 3. c. 66., 7 G. 4. c. 66., and 1 & 2 Vict. c. 23.

XV. The Owners of an Advowson, at a Meeting convened and held in manner herein-before provided with respect to the convening and holding of a Meeting of Owners for the Purpose of consenting to the Sale of an Advowson, may consent to the borrowing of Money from "The Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance "of the Poor Clergy," or from any other Society or Persons, for the Purposes authorized by the Acts of the Seventeenth Year of King *George* the Third, Chapter Fifty-three, the Twenty-first Year of King *George* the Third, Chapter Sixty-six, the Seventh Year of King *George* the Fourth, Chapter Sixty-six, and the First and Second Years of Queen *Victoria*, Chapter Twenty-three, as fully and effectually as any Patron absolutely entitled to an Advowson not within the Provisions of this Act may lawfully do.

Certificate of Justices Evidence of Consent.

XVI. The Certificate of Two such Justices as aforesaid, which they are hereby authorized and required to grant on being satisfied of the Truth of the Fact, that such Consent has been duly given, shall be conclusive Evidence of the Fact, and such Certificate shall, for all Purposes whatever, be deemed the Consent of the Patron within the Meaning of those Acts.

Extent of Act.

XVII. This Act shall extend only to *England* and *Wales*.