

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

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CAP. LXIX.

An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in *England* and *Wales*. [9th *September* 1835.]

WHEREAS there are certain legal Difficulties attending the Title, Purchase, Sale, and Disposal of Property, which, with respect to Workhouses and other Property belonging to Parishes, Incorporations, or Unions, it is expedient to remove; and it is also expedient to simplify the Assurances for the Conveyance, Exchange, or Transfer of such Property: Be it therefore enacted by the King'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 it shall be lawful for the Commissioners of the King's Majesty's Woods, Forests, and Land Revenues, by and with the Consent in Writing of the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, and for His Majesty, by any Grant signed by the Chancellor of the Duchy of *Lancaster*, and for the Duke of *Cornwall*, by any Grant signed by the Chancellor of that Duchy, to grant, and 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

Powers for Corporations and Persons under Disability to convey Lands, &c. for the Purposes of this Act.

missioners for *England* and *Wales* (to be testified by Order under their Hands and Seal), and for any Lay or Ecclesiastical Corporation, Aggregate or Sole, and for any Feoffees or Trustees to charitable or other Uses, and for any Person beneficially seised or entitled in Possession as Tenant in Fee Simple, or in Fee Tail, General or Special, or for his own Life, or for Years determinable on his own Life, (such Estate for Life or Years not being subject to any Rent,) or for any Term of Years in gross whereof not less than Four hundred shall be unexpired, and subject to no Equity of Redemption or Rent, except a nominal Rent, and for any married Woman entitled or interested as aforesaid to her separate Use, and for the Guardian, Trustee, Husband, or Committee of any Person so seised or entitled who shall be an Infant, married Woman (not separately entitled), Idiot, Lunatic, or under any other Disability, 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 or converted into a Workhouse, or of being used as the Site of a Workhouse, or of being occupied with a Workhouse, or for any other Purpose relating to the Relief of the Poor which the said Poor Law Commissioners may approve of, with the Rights and Appurtenances, and to convey the same and the Fee Simple and Inheritance thereof unto the Guardians or Overseers of any Union or Parish and their Successors, or in such other Manner as the said Poor Law Commissioners may direct, and to accept from and give to such Guardians or Overseers any Monies by way of Equality of Exchange.

Investment of Purchase Money to the same Uses as the Estates sold were subject to.

II. And with regard to the Application of Money paid for the Purchase or on the Exchange of Hereditaments of Persons under Disability; be it enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, or to any Trustee, Guardian, or Committee for or on behalf of any Infant, Ward, Lunatic, Idiot, married Woman, or other Person under Disability, or to any Person whose Lands shall be limited in Settlement, for the Purchase or Exchange of Hereditaments as aforesaid, shall, in case the same shall exceed the Sum of Fifty Pounds, and there shall be no Person capable of giving a sufficient Discharge for the same, be paid by the said Guardians and Overseers into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed in his Account to the Credit of the Party who shall be so interested in the said Hereditaments, describing them, subject to the Order of the said Court of Exchequer; which said Court, on the Petition of or Motion on behalf of any Corporation or Person making claim to any such Money, is hereby empowered to order summarily the Investment of such Money in the Purchase of Real Estates, to be settled to the same Uses and upon the same Trusts as the Lands so sold were previously subject to, or in the Public Funds, and the Distribution of the Rents and Dividends thereof respectively, according to the respective Interests of the Claimants thereof, and to make such other Order in the Premises as to the Court shall seem reasonable; and the Cashier of the Bank of *England* who shall receive such Money shall give a Receipt to the Party paying the same, specifying for what

the same is received, which Receipt shall be to all Intents and Purposes a sufficient Discharge; and upon such Receipt being given, it shall be lawful for the said Poor Law Commissioners, by Order under their Hands and Seals, to direct that the said Hereditaments so purchased by such Guardians or Overseers shall be appropriated for the Purposes of this Act; and in case of Doubts or Questions of Title to any Money paid into the Bank of *England* by virtue of this Act, or the Securities on which the same may be invested, or the Dividends or Interest thereof, the Corporation or Person who shall have been in the Possession of such Hereditaments, Interests, or Incumbrances at the Time of such Purchase, and Persons claiming under them, shall be deemed and taken to be lawfully entitled to such Hereditaments, Interests, or Incumbrances, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Securities and Principal and Interest Monies shall be applied and disposed of accordingly; and in case of such Purchase, Payment into the Bank of *England*, and Application to the Court of Exchequer as aforesaid, it shall be lawful for the said Court to order the Expences attending such Purchase, Payment, or Application, or any Part thereof, to be paid by such Guardians or Overseers, who shall accordingly pay the same as and when the said Court shall direct, and the Money so paid shall be a Charge on the Poor Rates of such Parish or such Union, as the Case may be.

Parties in Possession to be deemed entitled.

Court of Exchequer may order Payment of Expences.

III. And in order to ensure the due Application of the Property of Parishes and Unions, be it enacted, That it shall 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 to dispose of any Workhouses, 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 and any Part of such Property, and to convey, assign, or transfer the same accordingly to the Purchasers or Parties exchanging, as they shall direct; and, in case of a Sale, to apply the Produce arising therefrom (after deducting the reasonable Expences thereof) towards the Purchase or building of any Workhouse, or as or in part of the Proportion of such Parish or Union towards the Expence of any Workhouse erected, purchased, or provided on behalf of such Parish or Union, or as a Loan to the Board of Guardians of such Union, upon the Security of the Rates, for the Purpose of erecting a Workhouse, or in Liquidation of any Debt contracted by such Parish or Union or dissolved Union, or in such other Manner for the permanent Advantage of such Parish or Union or dissolved Union as the said Poor Law Commissioners may approve; and in case of an Exchange, the Hereditaments to

Power to Overseers and Guardians of the Poor to sell, purchase, and dispose of Workhouses, &c.

to be taken in exchange shall be conveyed to the Guardians of such Parish or Union, or the Overseers of such Parish, upon the same Trusts, and the Rents and Profits thereof shall be applied to the same Purposes, as the Hereditaments given in exchange were held, and the Rents and Profits thereof would have been applicable under the Provisions of the Law or of this Act if the same Hereditaments had not been exchanged; and it shall be lawful for the said Poor Law Commissioners to direct the Mode and Proportions on Parishes in which any Money required for the Purchase of any such Property shall be raised, paid, and secured, and also to direct the Mode in which the Persons by whom, and the Objects relating to the Management of the Poor to which, the Rents, Profits, beneficial Occupation, or Income of such Property shall be applied, assigned, or distributed; and wheresoever the Workhouse or Workhouses of any Parish in any Union may have become or shall hereafter become convertible to the common Use of such Union, it shall be lawful for the said Poor Law Commissioners to direct such an annual Sum, in the Nature of Rent or other Compensation, to be paid to such Parish out of the common Fund of the Union, and to vary the Amount of such annual Sum or Compensation from Time to Time as they the said Poor Law Commissioners shall see fit: Provided always, that no such Sale or Exchange or letting of any Workhouses, Tenements, Buildings, or Land of any Parish shall take place except with the Consent of a Majority of the Rate-payers of such Parish, and of the Owners of Property therein, entitled to vote under and by virtue of the Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, assembled at a Meeting to be 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, such Majority to be ascertained in manner provided by the said Act: Provided also, that every Sale and Exchange or Lease of any such Workhouse, Tenements, Buildings, Land, or other Property, which may have been made before the passing of this Act, with the Consent or Approbation in Writing of the said Poor Law Commissioners, shall be as valid and effectual as if the same had been directed by their Order under the Authority of this Act; and that any Monies or Rents which have become or shall become payable in respect of any such Sale, Exchange, or Lease, and have not been applied, shall be applied in the same Manner as such Monies or Rents would have been applicable if such Sale or Exchange or Lease had been made under this Act.

4 & 5 W. 4. c. 76.

Power to Overseers to take Waste or Forest Lands, extended to Guardians, &c. 22 G. 3. c. 83. 59 G. 3. c. 12.

IV. And be it further enacted, That all the Powers and Authorities in and by an Act passed in the Twenty-second Year of the Reign of King *George* the Third, intituled *An Act for the better Relief and Employment of the Poor*, given to Guardians of the Poor for or relating to the inclosing of any Part or Portion of Waste or Common Land as therein mentioned; and all Powers and Authorities in and by an Act passed in the Fifty-ninth Year of the same Reign, intituled *An Act to amend the Laws for the Relief of the Poor*, given

given to Churchwardens and Overseers of the Poor for taking Land or Ground into their Hands, and for purchasing, hiring, and taking on Lease any Land; and all the Powers and Authorities contained in an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend an Act of the Fifty-ninth Year of His Majesty King* George *the Third, for the Relief and Employment of the Poor;* and in a certain other Act passed in the First and Second Years of the Reign of His present Majesty, intituled, *An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown for the Benefit of poor Persons residing in the Parish in which such Crown Land shall be situate;* and in a certain other Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers;* shall in future be exercised (under the Control, and subject to the Rules, Orders, and Regulations of the Poor Law Commissioners,) by the Overseers of the Poor in any Parish not under the Management of a Board of Guardians, and by the Guardians of the Poor of any Union or Parish formed or established by virtue of any Statute or Local Act; and all the aforesaid Powers and Authorities relating to the inclosing, purchasing, hiring, or taking any Waste, Common, or other Land, for the Purpose or Purposes in the said Acts mentioned, shall extend and apply to and may be so exercised as aforesaid by the said Overseers and Guardians for the Purpose of being used as the Site of a Workhouse, or of being occupied with a Workhouse, or for any other of the Purposes of the said recited Act passed in the Fourth and Fifth Years of the Reign of His present Majesty.

1 & 2 W. 4. c. 42.

1 & 2 W. 4. c. 59.

2 & 3 W. 4. c. 42.

Powers given to Justices to deliver Possession of Parish Houses, &c. to Churchwardens and Overseers, extended to Property of Unions, &c.

V. And be it further enacted, That the Powers and Authorities given by the said Act of the Fifty-ninth Year of King *George* the Third, and by the said Act of the Second Year of the present Reign, to Justices of the Peace to cause Possession of Parish Houses and Lands and Portions of Land to be delivered to the Churchwardens and Overseers of the Poor, and any other auxiliary Powers or Provisions in the said Acts or other Acts contained in relation thereto, shall extend to and shall be exercised by such Justices in respect of any Houses and Lands and Portions of Land which are or may be vested in or under the Management or Control of the Guardians of the Poor of any Union or Parish, in the same Manner as if the Name of those Officers had been inserted in the said Acts instead of the Names of the Churchwardens and Overseers of the Poor.

Mode of Conveyance.

VI. And, for simplifying the Instruments of Assurance of Property under this Act, be it enacted, That every Conveyance, Exchange, Security, or Assignment of Security, under the Authority of this Act, may be made according to the Forms set forth in the Schedule annexed, or in such other Forms as the said Poor Law Commissioners shall direct, or as near thereto as the Number of Parties, the Nature of the Interests, and the Circumstances of the Case will admit, and shall, when executed by the conveying Parties, be valid and effectual in the Law, without Livery of Seisin being made, or any Bargain and

Approval of the Poor Law Commissioners.

Sale to vest Possession being executed; and that every Conveyance, Exchange, Security, Transfer of Security, or Instrument made under the Authority of this Act, shall, when signed by the conveying Parties thereto, be transmitted to the said Poor Law Commissioners, who shall, if they shall approve thereof, signify such Approval by sealing or stamping the same with their Seal; and for preserving Evidence of such Instruments the said Commissioners shall keep a Register, properly indexed, in which they shall insert Copies or Memorials of such Deeds or Instruments of which they shall so approve, and of such Orders of Appropriation of Property as are herein-before mentioned; and all such Copies or Memorials, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Commissioners, shall be received as Evidence of the Instruments respectively of which they purport to be Copies or Memorials.

Guardians incorporated.

VII. And, for the more easy Execution of the Purposes of this Act, and of the Laws relating to the Poor, be it enacted, That the Guardians of the Poor of every Union already formed or which hereafter shall be formed by virtue of the aforesaid Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, and of every Parish placed under the Control of a Board of Guardians by virtue of the said Act, shall respectively from the Day of their first Meeting as a Board become or be deemed to have become, and they and their Successors in Office shall for ever continue to be, for all the Purposes of this Act, a Corporation, by the Name of the Guardians of the Poor of the Union (or of the Parish of) in the County of ; and as such Corporation the said Guardians are hereby empowered to accept, take, and hold, for the Benefit of such Union or Parish, any Buildings, Lands, or Hereditaments, Goods, Effects, or other Property, and may use a Common Seal; and they are further empowered by that Name to bring Actions, to prefer Indictments, and to sue and be sued, and to take or resist all other Proceedings for or in relation to any such Property, or any Bonds, Contracts, Securities, or Instruments given or to be given to them in virtue of their Office; and in every such Action and Indictment relating to any such Property it shall be sufficient to lay or state the Property to be that of the Guardians of the Union, or of the Parish of ; and in case of any Addition to or Separation of any Parishes from any such Union, under the Authority of the said Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, the Board of Guardians for the Time being shall (notwithstanding such Alteration) have and enjoy the same Corporate Existence, Property, and Privileges as the Board of Guardians of the original Union would have had and enjoyed had it remained unaltered.

Previous Sales made with the Consent of the Commissioners to be valid.

VIII. And be it enacted, That all Buildings, Lands, or Hereditaments, Goods, Effects, or other Property, which, before the passing of this Act, may have been conveyed, with the Consent or under the Directions of the said Poor Law Commissioners, to any Persons in Trust for and for the Use of any Union or Parishes, shall, without any further Act, vest in the Guardians thereof as such Corporation, in

in the same Manner as if the same respectively had been conveyed to or vested in them under the Provisions of this Act.

Interpretation Clause.

IX. And in the Interpretation of this Act, be it enacted, That wherever in this Act, in describing any Person or Party, Matter or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and Females as well as Males, and several Matters or Things as well as one Matter or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction; and the Words and Expressions "General Rule," "Guardian," "Justice or Justices of the Peace," "Orders and Regulations," "Overseers," "Owners of Property," "Parish," "Person," "Poor," "Poor Rate," "Union," "Vestry," and "Workhouse," shall bear and be construed to have the same Signification as the same Words and Expressions are declared to have in the said Act of the Fourth and Fifth Years of the present Reign, for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*.

SCHEDULE to which this Act refers.

Form of Conveyance.

THIS Deed, made the Day of in the Year by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and under the Direction [*or* with the Approbation] of the Poor Law Commissioners for England and Wales, testified by their Seal being hereunto affixed, witnesseth, That *A.B.* of in consideration of the Sum of paid to him [*or* into the Bank of England] by *C.D.* of doth grant and convey [*or* demise or assign, *proper Words of Conveyance to be used,*] all, *&c.* [*the Property to be aptly described*], and all the Right, Title, and Interest of the said *A.B.* in and to the same and every Part thereof, unto and to be holden by the said *C.D.*, his Heirs and Assigns. In witness whereof the said *A.B.* and *C.D.* have hereunto set their Hands and Seals.

Witness *E.F.*

A.B. (L.S.)
C.D. (L.S.)

THE SEAL OF THE POOR LAW COMMISSIONERS.

Approved and registered the Day of .

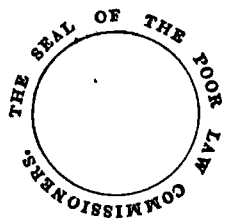
Form of Exchange.

THIS Deed, made the Day of by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of the Act*], and under the Direction [*or* with the Approbation] of the Poor Law Commissioners for England and Wales, testified by their Seal being hereunto affixed, witnesseth, That *A.B.* of doth grant and convey unto *C.D.* of all [*the Property to be aptly described*], in exchange for the Hereditaments herein-after conveyed, to the Intent that the said Hereditaments above conveyed may be held and enjoyed by the said *C.D.*, and the Person or Persons who for the Time being would have been entitled to the Hereditaments herein-after conveyed, if this present Exchange had not been made, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the same Hereditaments herein-after conveyed now are or may or but for this present Exchange would have been subject or liable to: And this Deed further witnesseth, That, in pursuance of the said Act, and under the said Direction [*or* Approbation], the said *C.D.* doth grant and convey unto the said *A.B.* all [*the Property to be aptly described*], in lieu of and in

exchange for the Hereditaments firstly herein-before conveyed, to the Intent that the Hereditaments lastly herein-before conveyed may be held and enjoyed by the said *A.B.*, and the Person or Persons who for the Time being would have been entitled to the Hereditaments firstly herein-before conveyed if this present Exchange had not been made, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the same Hereditaments now or may be or but for this present Exchange would have been subject or liable to. In witness whereof the said *A.B.* and *C.D.* have hereunto set their Hands and Seals.

Witness *E.F.*

A.B. (L.S.)
C.D. (L.S.)



Approved and registered the
Day of .

Form of Security.

THIS Deed, made the Day of by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and under the Direction [*or* with the Approbation] of the Poor Law Commissioners for England and Wales, (testified by their Seal being hereunto affixed,) witnesseth, That *A. B.*, *C. D.*, *E. F.*, and *G. H.*, being the Majority of the Guardians of the Poor for the Union, [*or* the Parish of], in consideration of the Sum of to them in hand paid by *Y. Z.* of for the Purpose of purchasing, building, erecting, repairing, fitting up, or furnishing a Workhouse for the Union [*or* Parish], and for providing suitable Stock and Utensils for that Purpose, [*or* in consideration of the Conveyance or Assurance of, *&c., as the Case may be,*] do hereby charge the Poor Rates of the Parishes of the said Union [*or* Parish] with the Payment of the Principal Sum of Pounds, by the Instalments following [*naming them*], together with Interest on the Principal which shall from Time to Time remain due, after the Rate of per Centum, to be payable half-yearly to the said *Y. Z.*, his Executors, Administrators, and Assigns.

Witness *L.M.*

A.B.
C.D.
E.F.
G.H.



Approved and registered the
Day of .

Form of Transfer of Security.

THIS Deed, made the Day of by virtue of the Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and [*if the Guardians or Overseers of any Parish or Union are the Parties transferring or accepting the Security, then add*] under the Direction [*or* with the Approbation] of the Poor Law Commissioners for England and Wales (testified by their Seal being hereunto affixed), witnesseth, That *Y. Z.* of doth transfer the Security, [*describing it*] with all Right and Title to the Principal Money thereby secured, and to all the Interest now due or hereafter to be due thereon, unto *V. W.* of his Executors, Administrators, and Assigns.

Witness *E. F.*

Y. Z.
V. W.

THE SEAL OF THE POOR LAW COMMISSIONERS.

Approved and registered the Day of .

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