Default shall be liable to a Penalty not exceeding Twenty Shillings, to be recovered, with Costs, at the Suit of the Registrar, before Two or more Justices, as to *England* in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, and as to *Scotland* before Two or more Justices or the Sheriff of the County, in manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and four, intituled *An Act to amend or consolidate the Acts relating to Merchant Shipping*, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanors, and as to *Ireland* in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, or any Act passed for the Amendment of the above-mentioned Acts; and the Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings; and subject to such Direction all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

If Accounts not made to Commissioners, pursuant to Sect. 34 of 18 & 19 Vict. c. 63., Interest thereon to cease, &c.

VIII. If the Accounts and Returns required from certain Friendly Societies by the Commissioners for the Reduction of the National Debt, pursuant to Section Thirty-four of the said Act, be not made within Thirty Days after the same have been required, the Account of the said Society shall be closed by the said Commissioners, and thenceforth no Interest shall be credited to such Society thereon, until such Accounts and Returns shall be furnished to the said Commissioners, or the Money be withdrawn.

Application by Registrar.

IX. Any Application authorized by Section Twenty-four of the said recited Act to be made by any Person on behalf of a Society, may be made by the Registrar.

This and Friendly Societies Acts to be construed as One.

X. This Act and the Friendly Societies Acts, 1855 and 1858, shall be construed as One Act, and may be cited together for all Purposes as the Friendly Societies Acts.

CAP. LIX.

An Act to extend the Provisions of the Universities and College Estates Act (1858), and of the Copyhold Acts, and of the Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and thirteen, and of the Seventeenth and Eighteenth Years of the same Reign, Chapter Eighty-four, so far as the same relate to Universities and Colleges.

[6th *August* 1860.]

21 & 22 Vict. c. 44.

'WHEREAS it is expedient that the Provisions of "The Universities and College Estates Act, 1858," should be extended, and that Power should be given to Universities and Colleges, with the Consent hereafter required, to raise Monies by Mortgage under proper Restrictions to provide Compensation for the Loss of Fines on Non-renewal of Leases:' 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, as follows:

Power to raise Monies by Mortgage by way of Com-

I. Whenever any Lease of any Lands belonging to the Universities of *Oxford*, *Cambridge*, or *Durham* respectively, or any College therein respectively, or the Colleges of *St. Mary* of *Winchester* near *Winchester*, or of King *Henry* the Sixth at *Eton*, the Leases of which have been

been customarily renewed on Payment of a Fine, shall from any Cause whatever (other than the Refusal of the University or College entitled to the Reversion of such Lands to accept such a Sum of Money by way of Fine as shall be deemed reasonable by the Copyhold Commissioners, and shall be tendered by the Lessee at the First and each successive Time of Renewal after the Commencement of this Act, or within Three Months of such Time, for the Renewal of any Lease theretofore regularly renewed,) remain unrenewed at any customary Period of Renewal, or whenever any Loss of Fines shall have been occasioned by the Surrender of any Lease upon any Transaction by way of Sale or Exchange between the said Universities or Colleges and their Lessees, under the Fourth Section of "The Universities and Colleges Estates Act, 1858," it shall be lawful for the said Universities and Colleges respectively from Time to Time, with the Consent of the Copyhold Commissioners (such Consent to be evidenced by an Order to be issued under their Hands and the Common Seal of their Board), to raise by Mortgage of any Lands belonging to such University or College for any Term of Years (determinable as herein-after provided) such Sum or Sums of Money (together with all reasonable Costs and Expenses incidental to such Raising) as shall be required, and be stated in such Order, with Interest thereon not exceeding the Rate to be specified in such Order, for the Purpose of paying, by way of Indemnity, to the then existing Members of such University or College the same Amount of Money which would have accrued to the said Members if any such Lease as aforesaid had been renewed in manner theretofore accustomed: Provided always, that the said Power of raising Monies by Mortgage shall not be exercised for the Purpose of providing for the Loss of more than Two Fines in respect of the same Lands, and that upon the Creation of any such Mortgage Provision shall be made by such University or College, with the Approval of the said Copyhold Commissioners, for the Discharge of the borrowed Monies by some or One of the Modes prescribed by the Twenty-eighth Section of "The Universities and College Estates Act, 1858," or otherwise so and in such Manner as that the Principal Money to be borrowed at each customary Period of Renewal in respect of the same Lands may be discharged with the Mesne Interest of such Money within or at the Expiration of Thirty Years from the borrowing thereof; provided also, that in every such Mortgage there shall be contained a Proviso that when the whole of such Principal Monies, Interest, and Costs shall be discharged, the Mortgage Term thereby created shall absolutely cease: Provided always, that after any Sum shall have been raised under the Power herein-before contained in lieu of the Fines payable in respect of any Lease of any Lands no Fine shall thenceforth be taken for the Renewal or Grant of any Lease of the same Lands.

Compensation for Loss of Fines on Non-renewal of Leases.

II. The Order to be issued by the said Commissioners pursuant to the foregoing Provisions shall be similar to the "Form of Order authorizing a Mortgage," contained in the Schedule to the said "Universities and College Estates Act, 1858," with such Variations only as the Circumstances of the Case shall necessarily require.

Form of Order to be issued by Copyhold Commissioners evidencing their Consent.

III. Where any Lands belonging to any such University or College as aforesaid shall at any Time have been leased at the best and most improved yearly Rent without Fine, no Fine, Premium, or Foregift, or anything in the Nature thereof, shall thereafter be taken by such University or College for the Grant or Renewal of any Lease of the same Lands.

Lands once leased at Rack-rent not thereafter to be leased upon Fines.

IV. 'And whereas it is expedient that certain Provisions of the Copyhold Acts, so far 'as the same Provisions relate to Universities and Colleges, should be amended and 'explained as hereafter provided:' Be it further enacted, That where any Manor belonging to any of the Universities of *Oxford*, *Cambridge*, and *Durham* respectively, or any College therein respectively, or the Colleges of *St. Mary* of *Winchester* near *Winchester*, or King *Henry* the Sixth at *Eton*, shall be held by any Person or Persons on Lease for a Life or Lives, or for a Term of Years, granted by any such University or College, the University or College entitled to such Manor in reversion expectant on such Lease, and the Lessee thereof as aforesaid, shall jointly constitute "the Lord" of such Manor within the Meaning of "The Copyhold Acts;" and all Consideration Monies payable to the Lord of any such Manor under the same Acts shall be dealt with in the Manner directed by the Thirty-ninth Section of "The Copyhold Act, 1852," or the Sixteenth Section of "The Copyhold Act, 1858," (due Notice of any such Dealing being previously given to the University or College entitled

Amendment of certain Provisions of the Copyhold Acts with respect to Universities and Colleges.

as aforesaid,) until the Time when the reversionary Interest of such University or College in the Manorial Rights of such Manor would, if the same had not been extinguished, have come into possession when the said Consideration Monies, or any Securities in which the same may have been invested, shall, upon Petition to the Court of Chancery or on Application to the Trustees in whom the same shall then be vested (as the Case may be), be paid or transferred to the Copyhold Commissioners to the Account of the University or College entitled thereto, in the same Manner and to be applied for the same Purposes as Enfranchisement Monies payable for the Benefit of any University or College are directed to be paid and applied by the First Section of "The Universities and College Estates Act, 1858."

Power to transfer Lands vested in individual Members of Universities or Colleges to the University or College in its Corporate Capacity upon like Trusts.

V. When any Lands shall be vested in any Person or Persons being a Member or Members of any of the said Universities or Colleges in trust or for the Benefit of the University or College, or the Head or any other Member thereof, it shall be lawful for such Person or Persons (with the Consent of the said Copyhold Commissioners, to be signified by any Writing under their Hands and the Common Seal of their Board) to convey and transfer such Lands in such Manner as that the same may be vested in the University or College in its Corporate Capacity, upon the Trusts nevertheless affecting the same Lands respectively.

Two Copyhold Commissioners to form a Board for Exercise of Powers under 21 & 22 Vict. c. 44.

VI. Any Two of the Copyhold Commissioners shall form a Board for the Exercise of the Powers and Authorities conferred on the said Commissioners by "The Universities and College Estates Act, 1858," and this Act; and any Order, Power of Attorney, or other Instrument issued or executed pursuant to the Provisions of the said Acts, which shall have been or shall hereafter be signed by any Two of the said Commissioners, and sealed with the Common Seal of their Board, shall be valid and sufficient for all Purposes whatsoever.

Extension of certain Provisions of the 3 & 4 Vict. c. 113. with respect to Universities and Colleges.

VII. 'And whereas it is expedient that the Provisions of the Act of the Third and Fourth 'Years of the Reign of Her Majesty (Chapter One hundred and thirteen), and also of the 'Act of the Seventeenth and Eighteenth Years of the same Reign (Chapter Eighty-four), 'so far as the same relate to Universities and Colleges, should be extended and amended as 'hereafter provided:' Be it further enacted, That Section Sixty-nine of the said Act of the Third and Fourth Years of Her Majesty shall be construed to extend to and shall include as well Benefices with Cure of Souls as Ecclesiastical Rectories, Prebends, and other Preferments without Cure of Souls, Advowsons, and Rights of Patronage, whether exclusive or alternate, Impropriate Rectories, and other Lands and Hereditaments annexed or belonging to, or held either wholly or partly by, or in trust for, any of the Universities of *Oxford*, *Cambridge*, and *Durham*, or any College therein respectively, or either of the Colleges of *St. Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, or the Head or any other Member of any such College, and also to extend to and to include and to authorize Sales by each of the same Universities, as well as each of the Colleges therein respectively, and the said Colleges of *St. Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, and shall also be construed to enable the said Universities or Colleges to sell Advowsons of Benefices the Patronage whereof shall be vested in any Person or Persons in trust for any of the said Universities or Colleges, or for the Benefit of the Head or any other Member thereof respectively, and also to authorize, under the Authority herein-after mentioned, the Annexation of the whole or any Part of the Lands or other Hereditaments or Endowments belonging to any such Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, Impropriate Rectories, and other Lands and Hereditaments aforesaid, or the Application of the Proceeds of any Sale thereof, and also the Application of the Proceeds of any Sale of Advowsons and Rights of Patronage, or any Part of the Proceeds of any such Sales, which may be made under the said Section of the said last-mentioned Act, or "The Universities and College Estates Act, 1858," or under any other Authority, or of any Monies, Stocks, Funds, or Securities belonging to such University, College, Head, or Member, by way of Endowment or Augmentation of any Benefice with Cure of Souls, the Patronage whereof shall belong to or be held in trust for or for the Benefit of such University or College, or the Head or other Member thereof: Provided nevertheless, that the Powers conferred by this Clause shall not be exercised to the Prejudice of the existing Interest of

any

any such Head or other Member of a College without his Consent; and in case of any Diminution being occasioned in the Income of any such Head or other Member of a College by any Sale, Annexation, Purchase, or Investment that may be made under the Provisions of the said Acts, Arrangements may be made under the like Authority for giving to such Head or other Member adequate Compensation for such Diminution of his Income out of the Revenues of such College, or out of the Proceeds of any such Sale or Investment; and the said Section of the said last-mentioned Act shall extend to authorize under the like Authority the Purchase out of any of the Corporate Funds or Revenues of any such University or College of Advowsons of Benefices, and also of any Rights of perpetual Presentation or Nomination to Benefices, whether such Benefices be or be not annexed to or held by or in trust for any of the said Universities, or any such College as aforesaid, or the Head or other Member of any such College, to be added to those in the Patronage of such University or College; and the Words "Colleges" and "College" in the said Section of the said last-mentioned Act shall include the Cathedral or House of *Christ Church* in *Oxford*, and the Words "Proper Securities" in the same Section shall be construed to extend to authorize and shall include the Purchase of Lands in Fee Simple, and also an Investment on any of the Parliamentary Stocks or Public Funds of *Great Britain*; and all such Securities, Lands, and Stocks or Funds shall be settled, held, applied, or disposed of in such Manner as by the University or College effecting such Sale, Purchase, or Investment, and by the like Authority, shall be arranged and determined in that Behalf; and every Endowment or Augmentation which shall be made by any University or College of any Benefice with Cure of Souls under the Authority of this Section, or by virtue of the Provisions of the Act of the First and Second Years of His late Majesty King *William* the Fourth (Chapter Forty-five), or any other Act or Acts of Parliament, shall be valid notwithstanding the clear annual Value of such Benefice shall at the Time of such Endowment or Augmentation exceed or be thereby made to exceed the Limits prescribed by the Sixteenth Section of the said Act of the First and Second Years of King *William* the Fourth, or any other Act or Acts of Parliament: Provided, that no such Augmentation or Endowment beyond the clear annual Value of Five hundred Pounds shall be made under the said Act of the First and Second Years of King *William* the Fourth, except with the Consent of the Ecclesiastical Commissioners for *England* (to be testified by Writing under their Common Seal) in addition to such other Consents as may be otherwise required thereto.

Provision as to Right of Patronage severed.

VIII. On the Sale or Annexation under the last preceding Clause of any Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, or of any Impropriate Rectory to which any Right of Patronage shall belong, and which is not intended to be included in such Sale or to accompany such Annexation, such Right of Patronage shall immediately after such Sale or Annexation be separated from and be no longer exercised by the Holder of such Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, or Impropriate Rectory, but shall by force of this Act be absolutely transferred to and vested in the University or College, the former Patrons or Owners of such Ecclesiastical Rectory, Prebend, or other Preferment or Impropriate Rectory.

8 & 9 Vict. c. 18. incorporated.

IX. The Lands Clauses Consolidation Act, 1845 (except such Parts thereof as relate to the Purchase of Lands otherwise than by Agreement, and to the Recovery of Forfeitures, Penalties, and Costs, and to the Sale of superfluous Lands,) shall be incorporated with and form Part of the said Section Sixty-nine of the said Act of the Third and Fourth Years of Her Majesty (Chapter One hundred and thirteen) as extended by this Act, and as if the corporate Name or Denomination of the University or College in each particular Case had been inserted therein instead of "The Promoters of the Undertaking:" Provided that the Powers by the said Act vested in "The Promoters of the Undertaking" shall be exercised only by such University or College with the Consent of the Ecclesiastical Commissioners for *England* testified as aforesaid.

The Ecclesiastical Commissioners constituted "the

X. "The Authority" herein-before and in the said Act of the Third and Fourth Years of Her Majesty provided shall, so far as relates to Universities and Colleges, be and be deemed to be "The Ecclesiastical Commissioners for *England*," and such Authority shall be deemed

Authority" referred to.

deemed to be sufficiently exercised and evidenced by any Writing under their Common Seal.

Power to substitute Land or other permanent Endowment in lieu of annual Rents or other Payments, in Extension of certain Provisions of 17 & 18 Vict. c. 84.

XI. Where any Rent or annual Sum of Money granted, reserved, or made payable, or to be granted, reserved, or made payable under any of the Powers of the said Act of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-four), or of the several Acts therein mentioned, or otherwise, to the Incumbent of any Church or Chapel, by way of Endowment, or in augmentation of the Endowment of any such Church or Chapel, is or shall be charged upon or made payable out of any Rectory Impropriate Tithes, annual Revenues, Lands, Tenements, or other Hereditaments belonging to any of the said Universities or Colleges respectively, it shall be lawful for the said Universities and Colleges respectively, with the Consent of the Incumbent for the Time being of the said Church or Chapel, and also with the Consent of the Archbishop or Bishop of the Diocese within which the said Church or Chapel shall be situate, and also of the Patron or Patrons of the said Church or Chapel (such Consent to be signified by the said consenting Parties respectively executing the Deed or Deeds herein-after mentioned,) and notwithstanding any Statute or Law to the contrary, by Deed duly executed to appropriate and annex in perpetuity to such Church or Chapel any Lands, Tithes, or Portion of Tithes, or other Hereditaments belonging to any such University or College as aforesaid, to the Intent that the same may be held and enjoyed by the Incumbent for the Time being of such Church or Chapel in lieu of and substitution for such Rent or annual Sum of Money as aforesaid; and it shall be lawful for the said Incumbent for the Time being to accept to him and his Successors such substituted Endowment or Augmentation, and thereupon by the same or any other Deed duly executed by him, and with such Consents and so signified as aforesaid, to release any Impropriate Rectory Tithes, annual Revenues, Lands, Tenements, or other Hereditaments theretofore charged with the said Rent or annual Sum of Money, and the Premises so released shall be thenceforth wholly discharged from the said Rent or Sum of Money, and from all Powers and Remedies for the Recovery thereof: Provided always, that no Consent of any Archbishop or Bishop shall be given to any such Annexation and Release respectively as aforesaid unless such substituted Endowment or Augmentation shall be proved to the Satisfaction of the said Archbishop or Bishop to produce an Income which shall exceed or be fully equal to the Rent or annual Sum of Money for which the same shall be substituted and be expressed to be so proved in the Deed by which such Consent shall be signified; provided also, that when any Lands, Tithes or Portions of Tithes, or other Hereditaments, which shall be so annexed as aforesaid, shall be comprised in any subsisting Lease or Leases previously granted thereof, such Annexation shall not prejudice or affect any such subsisting Lease or Leases; but in every such Case any Rent or Rents reserved by any such Lease or Leases, or a proportionate Part thereof (in case other Hereditaments shall also be comprised in such Lease or Leases), shall during the Continuance of the said Lease or Leases be payable to the Incumbent for the Time being of the Church or Chapel to which the Premises shall be annexed as aforesaid, and such Incumbent for the Time being shall have all the same Powers for the Recovery of the said Rent or Rents, or of the proportionate Part thereof, as aforesaid, as the University or College by whom the Annexation shall have been made might have had in case the Premises had not been so annexed.

Interpretation of Terms.

XII. This Act shall be read and construed according to the Definitions and Interpretations contained in the Thirty-first and Thirty-second Sections of "The Universities and College Estates Act, 1858," and the Word "College" in the said Act of the Third and Fourth Years of Her Majesty and in this Act shall be interpreted to include any "Hall" in the said Universities or either of them.

Short Title.

XIII. It shall be sufficient for all Purposes to cite this Act as "The Universities and College Estates Act Extension, 1860."