# CHAPTER 46.

An Act to amend the Universities and College Estates Act, 1858.

[7th September 1880.]

21 & 22 Vict. c. 44.

WHEREAS it is expedient to amend the provisions of the Universities and College Estates Act, 1858:

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:

Short title. 21 & 22 Vict. c. 44. 23 & 24 Vict. c. 59.

**1.** This Act may be cited as the Universities and College Estates Amendment Act, 1880, and this Act and the Universities and College Estates Act, 1858, and the Universities and College Estates Act Extension, 1860, may be cited collectively as the Universities and College Estates Acts, 1858 to 1880.

Application of purchase money for land sold by university or college. 21 & 22 Vict. c. 44.

**2.**—(1.) The purchase money of land sold by a university or college under the Universities and College Estates Act, 1858, or any other Act amending the same, shall, with the consent of the Copyhold Commissioners, be from time to time applicable by the university or college in the repayment of any money borrowed under any of those Acts, or to any of the purposes to which money so borrowed is applicable under those Acts.

(2.) Where any such purchase money is so applied, the like provision shall be made by the university or college for replacing the same as is by section twenty-eight of the Universities and College Estates Act, 1858, required to be made for the repayment of money borrowed under that Act: Provided that where any such purchase money is applied in repayment of a loan, it shall be replaced within or at the expiration of the period limited for repayment of the loan and upon the terms mentioned in the order of the Copyhold Commissioners by which their consent to the loan is or was evidenced.

21 & 22 Vict. c. 44.

(3.) The consent of the Copyhold Commissioners shall be evidenced by an order under their hands and common seal in the form or to the effect set forth in the schedule to this Act.

Rebuilding of chancels to be within Act. 21 & 22 Vict. c. 44.

**3.** Any moneys applicable under the said Acts to or for any of the purposes mentioned in the twenty-seventh section of the Universities and College Estates Act, 1858, may also be applied, by and under the authority of the said Copyhold Commissioners, in or towards the restoration or rebuilding of the chancel of any church which the university or college to which such moneys belong may be by law liable to restore or rebuild.

Act to apply to moneys in court.

**4.** The provisions of this Act shall apply as well to moneys which have arisen from any sale, enfranchisement, or exchange of lands belonging to a university or college under and by virtue of the aforesaid Acts, as to moneys belonging solely to any such university or college which may have arisen from the sale, enfranchisement, or exchange of any such lands under any other Act of Parliament, or otherwise howsoever, and which may be now or hereafter standing to the account or credit of any cause or matter in the Supreme Court of Judicature or in Her Majesty's High Court of Justice, or any division thereof, or in the names of trustees nominated in pursuance of any Act of Parliament.

Severance of benefices from headships of colleges. 23 & 24 Vict. c. 59.

**5.** And whereas by section seven of the Universities and College Estates Act Extension Act, 1860, and the enactments therein referred to, provision is made for the severance of benefices from headships of colleges by means of the sale of the advowsons of the benefices, and it is expedient that further and better provision be made for such severance: Be it therefore enacted, that where a benefice is by statute or otherwise annexed to the headship of a college as part of the endowment of the headship, and it appears that the endowments of the benefice are sufficient to bear such a charge as is herein-after mentioned, the college may by deed charge the whole or any part of the land or other endowments of the benefice with the payment to the head of the college for the time being of such an annual sum, not exceeding one half of such endowments, as is in the opinion of the Ecclesiastical Commissioners for England and the bishop of the diocese proper and adequate, regard being had to the value of the benefice, the requirements of the college, and the population and other

circumstances of the parish, and thereupon the advowson and right of presentation of and in such benefice shall be vested in the college freed and discharged from any trust in favour of the head for the time being.

## SCHEDULE.

### 1.

*Form of Order authorizing the application of Purchase Money in repayment of Money borrowed.*

COPYHOLD COMMISSION.

In the matter of the Universities and College Estates Acts, 1858 to 1880, ex parte [*here state title of university or college*].

Whereas there is now standing in the books of the Governor and Company of the Bank of England, to the credit of the account of the Copyhold Commissioners, ex parte [*here state the particular account*] the sum of £ [*insert the amount of cash or stock*], being moneys received from the sale [*or* enfranchisement, *or* for equality of exchange, *as the case may be*] of certain lands belonging to the said university [*or* college] by virtue of certain orders heretofore issued by the said Commissioners under the provisions of the said Acts:

And whereas by an order [*or* orders] of the said Commissioners, dated , the said university [*or* college] was authorized to raise the sum [*or* sums] of £ for the purpose of [*here insert nature of loan*]:

And whereas there is now owing by the said university [*or* college] the sum [*or* sums] of £ , being part of moneys borrowed by the said university [*or* college] under the above-mentioned orders on the security of their lands; and it has been represented to the said Commissioners that the said first-mentioned sum of £ [*or* the sum of £ , part of the said first-mentioned sum of £ ] may be properly applied in [*or* towards] the discharge of the said debt:

Now the said Commissioners, being of opinion that the proposed application of the said money will be advantageous and for the interests of the said university [*or* college] and their successors, do hereby approve of the same, and do direct that the said sum of £ [*or* the said sum of £ to be paid or raised out of the said sum of £ ] now standing to the credit of the said account, be applied in [*or* towards] payment of the said debt.

But so nevertheless that the said sum of £ be replaced to the credit of the said account within the period and upon the terms specified in the order [*or* orders] authorizing the original loan [*or* loans].

Witness their hands and common seal this day of .

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### 2.

*Form of Order authorizing the application of Purchase Money for improvement purposes* [or *for loss of Fines through non-renewal of Leases*].

COPYHOLD COMMISSION.

In the matter of the Universities and College Estates Acts, 1858 to 1880, ex parte [*here state title of university or college*].

Whereas there is now standing in the books of the Governor and Company of the Bank of England, to the credit of the account of the Copyhold Commissioners ex parte [*here state the particular account*] the sum of £ [*here insert the amount of cash or stock*] being moneys derived from the sale [*or* enfranchisement, *or* for equality of exchange, *as the case may be*] of certain lands belonging to the said university [*or* college] by virtue of certain orders heretofore issued by the said Commissioners under the provisions of the said Acts:

And whereas a statement has been submitted to the said Commissioners on behalf of the said university [*or* college], containing a proposal for the application of the said sum of £ [*or* the sum of £ part of the said sum of £ ] to [*here name the pur-*

*pose to which it is proposed to apply the money*] the said application being one within the provisions of the said Acts:

Now the said Commissioners, being of opinion, upon consideration of the circumstances, that the proposed application of the said money will be advantageous and for the interests of the said university [*or* college] and their successors, do hereby direct that the said sum of £ [*or* the said sum of £ to be paid or raised out of the said sum of £ ] now standing to the credit of the said account be applied to the purpose aforesaid.

But so nevertheless that the said sum of £ be replaced to the credit of the said account [*here state the period and manner of repayment*].

Witness their hands and common seal this day of .

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## CHAPTER 47.

An Act for the better protection of Occupiers of Land against injury to their Crops from Ground Game. [7th September 1880.]

WHEREAS it is expedient in the interests of good husbandry, and for the better security for the capital and labour invested by the occupiers of land in the cultivation of the soil, that further provision should be made to enable such occupiers to protect their crops from injury and loss by ground game:

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:

Occupier to have a right inseparable from his occupation to kill ground game concurrently with any other person entitled to kill the same on land in his occupation.

**1.** Every occupier of land shall have, as incident to and inseparable from his occupation of the land, the right to kill and take ground game thereon, concurrently with any other person who may be entitled to kill and take ground game on the same land: Provided that the right conferred on the occupier by this section shall be subject to the following limitations:

(1.) The occupier shall kill and take ground game only by himself or by persons duly authorised by him in writing:

(*a.*) The occupier himself and one other person authorised in writing by such occupier shall be the only persons entitled under this Act to kill ground game with firearms;

(*b.*) No person shall be authorised by the occupier to kill or take ground game, except members of his household resident on the land in his occupation, persons in his ordinary service on such land, and any one other person bonâ fide employed by him for reward in the taking and destruction of ground game;

(*c.*) Every person so authorised by the occupier, on demand by any person having a concurrent right to take and kill the ground game on the land or any person authorised by him in writing to make such demand, shall produce to the person so demanding the document by which he is authorised, and in default he shall not be deemed to be an authorised person.

(2.) A person shall not be deemed to be an occupier of land for the purposes of this Act by reason of his having a right of common over such lands; or by reason of an occupation for the purpose of grazing or pasturage of sheep, cattle, or horses for not more than nine months.

(3.) In the case of moorlands, and uninclosed lands (not being arable lands), the occupier and the persons authorised by him shall exercise the rights conferred by this section only from the eleventh day of December in one year until the thirty-first day of March in the next year, both inclusive; but this provision shall not apply to detached portions of moorlands or uninclosed lands adjoining arable lands, where such detached portions of moorlands or uninclosed lands are less than twenty-five acres in extent.