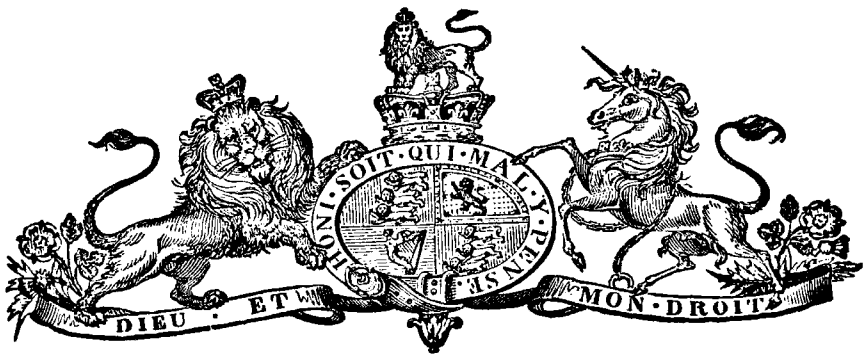


ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XIII.

An Act to facilitate the procuring of Sites for Workhouses in certain Cases. [13th *July* 1857.]

WHEREAS it is provided by the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-nine, that any Ecclesiastical Corporation Sole may 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 occupied with a Workhouse, or for any other Purpose relating to the Relief of the Poor which the Poor Law Commissioners might approve of, and to convey the same, and the Fee Simple and Inheritance thereof, unto the Guardians of any Union or Parish, or their Successors, and to accept from and give to such Guardians any Moneys by way of Equality of Exchange: And whereas Difficulty has arisen in carrying this Provision into execution where the Person who constitutes any Ecclesiastical Corporation Sole is insane, and it is expedient to provide a Remedy for such Cases: 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: 5 & 6 W. 4. c. 69.

I. If the Guardians of any Union or Parish, or the Managers of any School District, shall be desirous of purchasing or of exchanging for Provision for the Acquisition of Sites for a Work-

house, when the Land belongs to an Ecclesiastical Corporation Sole unsound in Mind.

for the Purposes mentioned in the said Act, or in any Act incorporated therewith or extending or explaining the same, any Land or Building belonging to any Ecclesiastical Corporation Sole, and the Person for the Time being entitled to such Land or Building by virtue of his Office shall be found upon a Commission issued by the Lord Chancellor intrusted as in the Act of the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Seventy, to be insane, it shall be competent for such Guardians or Managers to petition the said Lord Chancellor, intrusted as aforesaid, for Leave to purchase or exchange any such Land or Buildings so belonging to such Corporation Sole, and upon such Petition the said Lord Chancellor may make such Order as shall seem to him to be proper; and if he shall see fit to authorize the Sale or Exchange of any Land or Building, the same shall on behalf of such Corporation Sole be conveyed to or received in exchange from such Guardians or Managers, as the Case may be, (with the Consent of the Ordinary having Jurisdiction over such Corporation Sole, and with such further Consents if necessary as are herein-after mentioned), by such Person as the said Lord Chancellor shall by Order appoint, and the Purchase Money or the Money to be received for Equality of Exchange on behalf of such Corporation Sole shall (except as herein-after mentioned) be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the said Corporation Sole, and thenceforth all Proceedings authorized by the Second Section of the said herein-before first-mentioned Act shall be applicable to such Sum of Money paid to the Account of the said Accountant General.

Certain Consents to be obtained to the Acquisition.

II. Provided nevertheless, That if the said Corporation Sole shall be the Incumbent of any Benefice, the Consent of the Patron of the said Benefice shall be necessary to perfect and complete such Sale or Exchange as aforesaid, and if the said Land or Building so to be sold or exchanged as aforesaid or any Part thereof shall have been purchased by the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, or have been otherwise appropriated or annexed by or with the Consent, Concurrence, or Direction of the said Governors to the said Benefice for the Augmentation thereof, the Consent of the said Governors shall be necessary to perfect and complete such Sale or Exchange as aforesaid, and in either of such Cases the said Purchase Money, or the Money to be received for Equality of Exchange as aforesaid, shall be paid to the said Governors, and the Receipt of the Treasurer for the Time being of the said Governors shall be sufficient Discharge for the said Moneys, or for so much thereof as in such Receipt shall be expressed to be received; and all the Moneys

Moneys to arise from such Purchase or Exchange as aforesaid shall (subject to any Stipulation or Agreement which the said Governors in their Discretion may think proper to make for Payment thereout of the Costs and Expenses of such Sale or Exchange) be appropriated by the said Governors to the particular Benefice to which the said Land or Building comprised in such Sale or Exchange shall have previously belonged, and shall be applicable and disposable by them, for the Benefit and Augmentation of such Benefice, in such and the same Manner, and with such and the same Powers of Investment and other Powers or Authorities in all respects according to the Rules and Regulations of the said Governors for the Time being, as if the said Moneys or the Stocks or Funds which might be purchased therewith were then originally appropriated by the said Governors to such Benefice out of the General Funds and Profits of the said Governors or otherwise for the Benefit and Augmentation thereof. Application of Purchase Money.

III. Until the said Purchase Money or the Money so to be paid for Equality of Exchange as aforesaid shall have been reinvested in the Purchase of Land, Tithes, or other Hereditaments for the Benefit of the said Corporation Sole, the Interest, Dividends, or Annual Income from Time to Time accruing thereon shall be applied in like Manner as the Rents and Profits of the Land or Building so purchased or exchanged would have been applicable if the same Land or Building had not been purchased or exchanged, and the said Lord Chancellor may make such Order or Orders from Time to Time as may be requisite for the Purpose of such Application. Application of Dividends or Annual Income until Investment.

IV. The Consent of the said Ordinary, Patron, and Governors hereby required shall be testified by the said Ordinary, Patron, and Governors respectively executing the Deed or other Assurance by which the Land or Building sold or exchanged shall be conveyed or assured, except that in the Case of any Land or Building of Copyhold or Customary Tenure which shall be conveyed or assured by Surrender such Consent shall be testified by any Writing under the Corporate Seal, or the Hand and Seal, as the Case may be, of each of the consenting Parties, which Writing, if produced to the Lord or Steward of the Manor of which the said Land or Building shall be holden, shall be a sufficient Authority to such Lord or Steward for accepting from the Person so appointed or ordered to convey as aforesaid a Surrender of the same Land and Building, and such Writing shall be entered, with the Surrender, upon the Court Rolls of the said Manor. How Consent of Patron, &c. to be given.

V. In

Provision where the Right of Patronage is in the Crown, the Duke of Cornwall, or in Persons under Disability.

V. In any Case where upon the Sale of any such Land or Building as aforesaid belonging to any Benefice the Patronage of the said Benefice shall be in the Crown, or the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, or the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, the Consent required by this Act on the Part of the Patron of such Benefice shall be testified by the Execution of such Deed or Assurance or other Writing as aforesaid by such and the same Persons as by the Act of Parliament passed in the Session holden in the First and Second Years of the Reign of Her present Majesty, Chapter Twenty-three, intituled *An Act to amend the Law for providing fit Houses for the Beneficed Clergy*, are in like Cases directed or authorized to testify the Consent of the Patron to the Exercise of the several Powers given by the said last-mentioned Act, or by certain other Acts therein mentioned or referred to, and in all other Cases the Consent required by this Act on the Part of the Patron of any Benefice shall be given by the Person or Persons who would be entitled to present, nominate, or collate to such Benefice in case the same were actually vacant at the Time of giving such Consent.

Interpretation of the Word "Benefice."

VI. In the Construction of this Act the Word "Benefice" shall be taken to extend to and comprise all Rectories with Cure of Souls, Vicarages, Perpetual Curacies, and Chapelries the Incumbents of which respectively shall in right thereof be Corporations Sole.

Provisions of 7 W. 4. & 1 Vict. c. 50. and Interpretation of Terms in 4 & 5 W. 4. c. 76. and 16 & 17 Vict. c. 70. to apply.

VII. The Provisions of the Act of the First Year of the Reign of Her present Majesty, Chapter Fifty, shall be applicable to this Act, and the several Terms herein used shall be construed as in the One hundred and ninth Section of the Act of the Fourth and Fifth *William* the Fourth, Chapter Seventy-six, and as in the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Seventy respectively.

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