

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. LXI.

An Act to effect an Exchange of Ecclesiastical Patronage between Her Majesty and the Earl of *Leicester*, and for the Severance and Consolidation of certain Benefices in the Diocese of *Norwich*, and for other Ecclesiastical Purposes.

[14th *August* 1848.]

WHEREAS the Queen's most Excellent Majesty in right of the Crown is seised or entitled to Herself, Her Heirs and Successors, of or to the Perpetual Advowson of the Rectory of *Warham All Saints* in the County of *Norfolk*, and within the Diocese of the Right Reverend *Edward* Lord Bishop of *Norwich:* And whereas the Right Honourable *Thomas William* Earl of *Leicester* is absolutely entitled to the Perpetual Advowson of the Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin*, commonly called *Warham Saint Mary's*, and of the Rectory of *Waterden* annexed thereto or consolidated therewith, in the same County and Diocese; and the said *Thomas William* Earl of *Leicester* is also absolutely entitled to the Perpetual Advowson of the Vicarage of *Dunton with Doughton* otherwise *Dolton*, now commonly called *Dunton cum Duckton*, and of the consolidated Perpetual Curacies of *Longham* and *Wendling*, and to the Perpetual Advowson of the

Vicarage of *Holkham*, and of the Rectory of *Egmere* consolidated therewith, all in the same County and Diocese; and the said *Thomas William* Earl of *Leicester* is also absolutely entitled to a certain Piece or Parcel of Ground in the Parish of *Dunton* aforesaid, which is described in the Schedule to this Act annexed, subject only (together with other Hereditaments) to a certain yearly Jointure Rent-charge of Three thousand Pounds assured to the Right Honourable *Juliana* Countess of *Leicester* his Wife, in case she should survive him, for her Life, and to a Term of Two hundred Years for securing the same, but which Jointure Rent-charge is amply secured by the other Hereditaments whereon the same is charged: And whereas the said Rectory of *Warham All Saints* is now vacant, the Reverend *Robert Collyer* is the Incumbent of the consolidated Rectories of *Warham Saint Mary's* and *Waterden*, the Reverend *Stephen Allen* is the Incumbent of the Vicarage of *Dunton cum Duckton*, the Reverend *Robert Howlett* is the Incumbent of the consolidated Perpetual Curacies of *Longham* and *Wendling*, and the Reverend *Alexander Napier* is the Incumbent of the consolidated Vicarage of *Holkham* and Rectory of *Egmere*: And whereas the Parishes of *Warham All Saints* and *Warham Saint Mary's* are contiguous, and contain together a Population of less than Four hundred Souls: And whereas the Parish of *Waterden*, so as aforesaid consolidated with *Warham Saint Mary's*, is situate at a Distance of Seven Miles or thereabouts from the Parish of *Warham Saint Mary's*, but is distant only One Mile or thereabouts from the Parish of *Egmere*: And whereas the Parish of *Waterden* contains a Population of Twenty-five Souls or thereabouts, and the Parish of *Egmere* contains a Population of Fifty Souls or thereabouts, and is without a Church: And whereas the net yearly Value of the Vicarage of *Dunton cum Duckton*, and the consolidated Perpetual Curacies of *Longham* and *Wendling*, is of the Amount of Two hundred and eighty-six Pounds Two Shillings and Seven-pence or thereabouts, and the net yearly Value of the Rectory of *Warham All Saints* is of the Amount of Two hundred and twenty-six Pounds Thirteen Shillings and Four-pence or thereabouts, but the said Vicarage of *Dunton cum Duckton* has no Glebe nor Vicarage House: And whereas the said *Thomas William* Earl of *Leicester* hath proposed to Her most Gracious Majesty that the Rectories of *Warham All Saints* and *Warham Saint Mary's* shall be consolidated and form One Benefice in the Patronage of the said *Thomas William* Earl of *Leicester*, and that in lieu of the Advowson of the said Rectory of *Warham All Saints* the Advowson of the said Vicarage of *Dunton cum Duckton* and consolidated Perpetual Curacies of *Longham* and *Wendling* shall become vested in Her Majesty: And whereas it hath been further proposed by the said *Thomas William* Earl of *Leicester*, at the Instance of the said *Edward* Lord Bishop of *Norwich*, that the said Rectory of *Waterden* shall be severed from the said Rectory of *Warham Saint Mary's*, and that the said Rectory of *Egmere* shall be severed from the said Vicarage of *Holkham*, and that the said Rectories of *Waterden* and *Egmere* shall be consolidated and form One Benefice in the Patronage of the said *Thomas William* Earl of *Leicester*: And whereas in furtherance of the said Proposals, and for the Equalization of the said Exchange to be made with Her Majesty, it hath been agreed by the said *Thomas William* Earl of *Leicester*

Leicester that a Glebe of Four Acres or thereabouts, situate in the Parish of *Dunton*, shall be annexed to the said Vicarage of *Dunton cum Duckton*, being the Piece of Ground described in the Schedule to this Act, and that a Sum of Three hundred Pounds shall be paid by the said *Thomas William* Earl of *Leicester* into the Hands of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, to be by them accumulated for the Benefit of the said Vicarage, to the Intent that the said Fund so to be accumulated may be hereafter applied in or towards the Erection of a suitable House of Residence for the Use of the Incumbent of the said Benefice: And whereas all the aforesaid Agreements and Matters have been submitted to, and have received the Approval of, the said *Edward* Lord Bishop of *Norwich*, the Diocesan of the said several Benefices: And whereas the said Piece or Parcel of Land which is described in the Schedule to this Act is considered as eligible to be appropriated as a Glebe for the Use of the Incumbent of the said Benefice: And whereas the said Sum of Three hundred Pounds is intended to be paid by the said *Thomas William* Earl of *Leicester* into the Hands of the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, immediately after the passing of this Act, for the Purposes after mentioned: And whereas no Provision exists by Law for the Exchange of Ecclesiastical Patronage between Her Majesty seised in right of Her Crown and any of Her Majesty's Subjects, and it is expedient that the aforesaid Exchange and the other Matters and Agreements shall be carried into effect by Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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, That when and so soon as the Sum of Three hundred Pounds shall have been duly paid by the said *Thomas William* Earl of *Leicester*, his Heirs, Executors, or Administrators, into the Hands of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, the said *Robert Collyer* or his Successor, Incumbent for the Time being of the consolidated Rectories of *Warham Saint Mary Magdalen* and *Saint Mary the Virgin*, commonly called *Warham Saint Mary's*, shall become the Incumbent of the Rectory of *Warham All Saints*, without any Manner of Presentation, Institution, or Induction; and thereupon and from thenceforth the said Rectories of *Warham All Saints* and *Warham Saint Mary Magdalen* and *Saint Mary the Virgin*, commonly called *Warham Saint Mary's*, together with all and singular the Tithes, Rent-charges in lieu of Tithes, Fruits, Payments, Oblations, Obventions, Rights, and Emoluments, of what Nature or Kind soever, thereto respectively belonging or appertaining, shall be united and consolidated to all Effects in Law whatsoever, and shall form and be One Benefice only by the Name and Style of "The Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin*, with the Rectory of *Warham All Saints* annexed," any Law or Statute to the contrary notwithstanding.

Rectories of Warham All Saints and Warham Saint Mary's consolidated.

II. And

Advowson of said consolidated Rectories vested in the Earl of Leicester.

II. And be it enacted, That the Perpetual Advowson of the said consolidated Rectories of *Warham Saint Mary Magdalen and Saint Mary the Virgin* and *Warham All Saints*, so hereby united in such Event as aforesaid, shall from and after such Consolidation as aforesaid be vested in the said *Thomas William* Earl of *Leicester* as Owner thereof, to him and his Heirs, in Fee Simple, freed and discharged from all Demand or Claim whatsoever for or on behalf of Her Majesty, Her Heirs and Successors, but to be subject nevertheless in all respects to such Estates, Charges, and Incumbrances (if any) as the said Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin* is now subject to.

Advowsons of Vicarage of Dunton and Curacies of Longham and Wendling vested in Her Majesty.

III. And be it enacted, That the Perpetual Advowsons of the Vicarage of *Dunton cum Duckton* and of the consolidated Perpetual Curacies of *Longham* and *Wendling* shall from and after the Consolidation of the said Rectories of *Warham Saint Mary's* and *Warham All Saints* become and be absolutely vested in Her Majesty, Her Heirs and Successors, in right of the Crown, freed and discharged from all Demands and Claims whatsoever by or on behalf of the said *Thomas William* Earl of *Leicester*, his Heirs or Assigns, or any other Person whomsoever.

Glebe and Site for Vicarage House annexed to Vicarage of Dunton.

IV. And be it enacted, That from and after such Consolidation as aforesaid the said Piece or Parcel of Land in the said Parish of *Dunton*, particularly described in the Schedule to this Act, together with the new House of Residence for the Incumbent, and other Erections and Buildings, when the same shall be built from such Fund as aforesaid or otherwise, and all Yards, Gardens, Ways, Roads, Easements, and Appurtenances thereto belonging or in anywise appertaining, shall be annexed to the said Vicarage of *Dunton cum Duckton* as the Glebe and Vicarage House, or Site for the Vicarage House, of the same Benefice, and be held, used, occupied, and enjoyed by the Incumbent thereof, and his Successors for ever, freed and discharged of and from all Claim and Demand whatsoever by or on behalf of the said *Thomas William* Earl of *Leicester*, or any of his Ancestors, or any other Person whomsoever claiming from or through him or them.

Application of the Money to be paid to the Governors of Queen Anne's Bounty.

V. And be it enacted, That the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy shall stand possessed of and interested in the said Sum of Three hundred Pounds when so paid to them, upon trust to lay out and accumulate the same at Compound Interest in such Manner as they shall think fit, and as they are lawfully authorized to lay out and accumulate Funds similarly applicable, and upon further Trust from Time to Time or at any Time to lay out and expend the said Sum of Three hundred Pounds and the Accumulation thereof in or towards the building and Erection of a suitable Vicarage House and Offices for the Use of the Incumbent for the Time being of the said Vicarage of *Dunton cum Duckton*, and that such Vicarage House and Offices shall be erected and built in or upon some Part of the said Piece or Parcel of Land annexed as a Glebe to the said Benefice as herein is provided, and that the Receipt of the Treasurer of the said Governors shall

shall be sufficient Evidence of the Payment of the said Sum of Three hundred Pounds.

Rectory of Waterden severed from Rectory of Warham Saint Mary's, and united with Rectory of Egmere severed from Vicarage of Holkham.

VI. And be it enacted, That from and after the Consolidation of the said Rectories of *Warham Saint Mary's* and *Warham All Saints*, the said Rectory of *Waterden*, with all and singular the Tithes, Rent-charges in lieu of Tithes, Fruits, Payments, Oblations, Obventions, Rights, and Emoluments, of what Nature and Kind soever, thereto belonging or appertaining, shall be severed from the said Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin*; and that the said Rectory of *Egmere*, with all and singular the Tithes, Rent-charges in lieu of Tithes, Fruits, Payments, Oblations, Obventions, Rights, and Emoluments, of what Nature and Kind soever, thereto belonging or appertaining, shall be severed from the said Vicarage of *Holkham*; and the said Rectories of *Waterden* and *Egmere* shall for ever hereafter be consolidated together and form One Benefice only by the Name and Style of "The Rectory of *Egmere* with the Rectory of *Waterden* annexed," any Law or Statute to the contrary notwithstanding; and the said *Alexander Napier* or his Successor, Incumbent for the Time being of the consolidated Vicarage of *Holkham* and Rectory of *Egmere*, shall thereupon become the Incumbent of the said Rectory of *Egmere* with the Rectory of *Waterden* annexed, and without any further Presentation, Institution, or Induction, and shall continue to be the Incumbent of the Vicarage of *Holkham*, and the same Vicarage shall thereafter become a separate Benefice; and the Incumbent for the Time being of the said consolidated Rectories of *Egmere* and *Waterden* shall have, receive, and take all and singular the Fruits, Tithes, Rent-charges in lieu of Tithes, Profits, Oblations, Obventions, and all other Ecclesiastical Rights and Emoluments whatsoever to the said Rectories respectively belonging and appertaining, and accustomed to be paid to or enjoyed by the respective Rectors thereof, and shall bear, pay, and discharge all Dues, Rates, and Sums of Money payable in respect of the said Rectories respectively; and the Perpetual Advowson of the said consolidated Rectories of *Egmere* with *Waterden* annexed, as well as the Perpetual Advowson of the said Vicarage of *Holkham*, shall remain or be vested in the said *Thomas William* Earl of *Leicester*, his Heirs and Assigns, as Owners thereof, subject nevertheless to all and singular such Rights, Estates, Charges, and Incumbrances (if any) as the same are subject to at the passing of this Act.

Act inoperative if Payment to the Governors of Queen Anne's Bounty be not made within Three Months.

VII. Provided always, and be it enacted, That every Clause, Matter, and Thing herein-before contained shall be void unless the Sum of Three hundred Pounds herein-before mentioned shall be duly paid by the said *Thomas William* Earl of *Leicester*, his Heirs, Executors, or Administrators, into the Hands of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy within Three Calendar Months from the passing of this Act.

General Saving.

VIII. Saving always to all Persons, Bodies Politic and Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than the Queen's most Excellent Majesty, Her Heirs

and Successors, and the said *Thomas William* Earl of *Leicester*, his Heirs, Executors, Administrators, and Assigns, and the Lord Bishop of *Norwich* and his Successors for ever, and the Incumbents of the Rectory of *All Saints*, the consolidated Rectories of *Warham Saint Mary's* and *Waterden*, and of the Rectory of *Warham Saint Mary's and Warham All Saints* when so consolidated as aforesaid, the consolidated Vicarage of *Holkham* and Rectory of *Egmere*, the Rectory of *Egmere* with the Rectory of *Waterden* annexed when so consolidated as aforesaid, and the Vicarage of *Holkham* when so disunited as aforesaid, and their respective Successors as aforesaid Incumbents for the Time being of the said respective Rectories, Vicarages, and Perpetual Curacies,) all such Estate, Right, Title, Interest, Trust, Claim, and Demand whatsoever in, to, or out of the said Advowsons and other Premises hereby respectively vested and settled as aforesaid as they or any of them had before the passing of this Act, or could have had in case this Act had not been made.

SCHEDULE to which the foregoing Act refers.

SCHEDULE.

ALL that Piece or Parcel of Land in the Parish of Dunton in the County of Norfolk containing by Admeasurement Four Acres (Part whereof is now used for Cottage Gardens), bounded on the North by the Lynn Road, on the East by the Road leading from Creake to Rainham, on the South by Dunton Churchyard, and on the West by Lands of the Earl of Leicester; the Width of the said Piece or Parcel of Ground from East to West at the North End thereof being One hundred and six Yards or thereabouts, and at the South End thereof adjoining Dunton Churchyard Sixty-one Yards or thereabouts, and the Length thereof from North to South on the East and West Sides thereof being Two hundred and thirty-two Yards or thereabouts.

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