

ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

****

CAP. XVIII.

An Act to enable Archbishops and Bishops to raise Money on Mortgage of their Sees, for the Purpose of building and otherwise providing fit Houses for their Residence. [1st *July* 1839.]

WHEREAS it is expedient that Powers should be given to the Archbishops and Bishops of the several Dioceses in *England* and *Wales* to raise Money upon the Security of the Lands and Hereditaments of their respective Sees, for the Purpose of taking down and rebuilding, or repairing, adding to, altering, or improving, the Palaces or Mansion Houses, Offices, and Outbuildings belonging to their respective Sees, or of providing other Palaces or Mansion Houses, Offices, and Outbuildings for the Residence and Occupation of themselves and their Successors: 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, That from and immediately after the passing of this Act it shall be lawful for the Archbishop or Bishop for the Time being of any Diocese in *England* or *Wales*, after procuring such Certificate and other Evidence and obtaining such Consents as are herein-after required, to borrow and take up at Interest in the Manner herein-after mentioned, for the Purpose of taking down and rebuilding upon the same or any adjacent Site

Any Archbishop or Bishop may raise Money on Mortgage of the Possessions of his See for rebuilding or improving

the Palace or Mansion; Site or Sites, or upon any other Land or Ground belonging to his See, or of repairing, adding to, altering, or improving, any Palace or Mansion House, Offices, or Outbuildings belonging to his See, or any Part or Parts thereof; or for the Purpose of building upon any Land or Ground belonging to his See any Palace or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, either in lieu of and in substitution for any Palace or Mansion House, Offices, or Outbuildings then belonging to his See, or in addition thereto; or for the Purpose of purchasing any Freehold Messuage or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, either with or without Freehold Land convenient to be held therewith, and either in lieu of and in substitution for any Palace or Mansion House, Offices, or Outbuildings then belonging to his See, or in addition thereto, and (if necessary or expedient) taking down and rebuilding on the same Site, or on any other Part or Parts of the Land to be included in such Purchase, or repairing, adding to, altering, or improving the Messuage or Mansion House, Offices, or Outbuildings to be so purchased as aforesaid, or any Part or Parts thereof; or for the Purpose of purchasing any Freehold Land or Ground (either with or without any Building or Buildings thereon) as a Site for any Palace or Mansion House, Offices, or Outbuildings, and for Occupation therewith, and building on the said Land or Ground, or any Part or Parts thereof, any such Palace or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, either in lieu of and in substitution for any Palace or Mansion House, Offices, or Outbuildings then belonging to his See, or in addition to the same, and in order thereto taking down and removing, or repairing, adding to, altering, or improving, any Building or Buildings which may be standing upon the said Land or Ground at the Time of such Purchase, or any Part or Parts thereof, any Sum or Sums of Money not being less than Two thousand Pounds nor exceeding Three Years net Income and Produce of the Revenues of his See, such yearly net Income and Produce to be reckoned on an Average of Three Years, and ascertained and certified in the Manner herein-after mentioned; and as a Security for the Money so to be borrowed, by Indenture or Indentures, to be duly sealed and delivered, to demise all or any of the Manors, Messuages, Lands, Tenements, Tithes, Rent-charges in lieu of Tithes, Rents, and Hereditaments of or belonging to his See, to any Person or Persons, or Body or Bodies Politic or Corporate, who shall be willing to lend or advance the same, or to such Person or Persons as such Lender or Lenders may nominate or appoint, for any Term or Terms of Years, but to be subject to a Proviso or Provisoes in such Mortgage or Mortgages to be contained for the Cesser of every such Term or Terms of Years on Payment to the Party or Parties, Body or Bodies Politic or Corporate, who shall advance the same or any Part or Parts thereof, his, her, or their Executors, Administrators, Successors, or Assigns, of the Principal Sum or Sums so to be borrowed, and such Interest as shall become due for the same, at the Times and in the Manner herein-after mentioned; (that is to say,) the Interest thereof, or of so much thereof as from Time to Time shall remain unpaid, at such Rate as shall be agreed upon, to be paid by equal half-yearly Payments on the Days to be therein appointed,

or for building a new Palace or Mansion for his Occupation;

or for purchasing any Freehold Mansion House, &c.

or for purchasing Land for a Site, &c.

The Interest of Money borrowed to be paid half-yearly,

appointed, the first of such Payments to be appointed to be made at the End of Six Months next after the Date of the Mortgage, and One Thirtieth Part of the Principal Money at the End of the Third Year from such Date, and a like Thirtieth Part of the Principal Money at the End of each Year of the succeeding Twenty-nine Years; which Mortgage or Mortgages, when so made, after the same shall have been registered in the Registry of the Diocese of the Archbishop or Bishop making the same, shall bind every succeeding Archbishop or Bishop in the same See, until the Principal Money, Interest, and Costs shall be paid off and discharged, as fully and effectually as if such Successor had made or executed the same: Provided always, that no Messuage, Mansion House, Offices, Outbuildings, or Land shall be purchased under this Act by any Archbishop, except such Messuage, Mansion House, Offices, Outbuildings, or Land shall be situate within the Province of such Archbishop, nor shall any such Messuage, Mansion House, Offices, or Outbuildings be purchased by any Bishop under this Act, except the same shall be situate within the Diocese of such Bishop.

and One Thirtieth Part of the Principal at the End of the Third Year and a like Thirtieth Part at the End of each succeeding Year.

No Messuage, &c. to be purchased unless situated within the Province or Diocese.

II. And be it further enacted, That for determining the Amount raisable by any Archbishop or Bishop under the Authority of this Act, the net yearly Income and Produce of the Revenues of his See, on an Average of Three Years ending on the Twenty-ninth Day of *September* next before the Date of the Deed or Deeds of Mortgage, shall be ascertained and certified, so far as shall be thought necessary for the Purpose aforesaid, by the Persons herein-after mentioned; (that is to say,) in the Case of an Archbishop by the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop by such Bishop and the Archbishop of the Province for the Time being; and that every such Certificate shall be in Writing under the respective Hands of the certifying Parties, and shall be deposited in the Registry of the Diocese of the Archbishop or Bishop making such Mortgage or Mortgages, for the Use and Benefit of such Archbishop or Bishop, and his Successors, Executors, or Administrators, and of the Person or Persons, or Body or Bodies Politic or Corporate, by whom the Mortgage Money shall be advanced, and his or their Executors, Administrators, Successors, and Assigns, who shall respectively have a Right to inspect the same, and take Copies thereof whenever Occasion shall require; and that every such Certificate so made and deposited as aforesaid shall for the Purposes of the Mortgage or Mortgages to which the same shall relate be conclusive Evidence of the Amount of the net yearly Income and Produce of the Revenues of the said See.

How net yearly Income and Produce of a See to be ascertained.

Certificate thereof to be deposited in the Registry of the Diocese.

III. Provided always, and be it further enacted, That no Mortgage shall be made under the Authority of this Act, for any of the Purposes aforesaid, until the Archbishop or Bishop desiring to make the same shall have procured from some skilful and experienced Architect or Surveyor a Certificate containing a Statement of the Propriety and Expediency of raising Money for the Purposes in question, and of the Condition of any Palace or Mansion House, Offices, or Outbuildings, which may be proposed to be taken down and rebuilt, or repaired, added to, altered, or improved, or in substitution for which any

No Mortgage to be made until a Surveyor's Certificate, stating the Particulars herein required, has been made to certain

Parties, and their Consent obtained.

any Palace or Mansion House, Offices, or Outbuildings shall be proposed to be built or purchased as aforesaid, and of the Value of the Timber and other Materials belonging to the See (if any) available for the Purposes aforesaid or saleable, and a Plan and Estimate of the Works fit and proper to be done for effecting such Purposes, and also in the Case of a Purchase a Map or Maps under an actual Survey of the Messuage or Mansion House, Offices, or Outbuildings, Land, and Premises proposed to be purchased as aforesaid, and a Valuation thereof, and shall have laid the same before the Persons herein-after mentioned, (that is to say,) in the Case of an Archbishop before the other Archbishop and the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, and in the Case of a Bishop before the Archbishop of the Province and the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, and obtained the Consent of the same Parties respectively to such Mortgage or Mortgages as aforesaid, signified by some Writing or Writings under their respective Hands: Provided nevertheless, that if there shall be standing or growing upon any Land or Ground belonging to the See any Timber or other Trees or Tree which in the Judgment of such Architect or Surveyor ought to be left standing for the Ornament or Shelter of the Palace or Mansion House so proposed to be taken down and rebuilt, or repaired, added to, altered, improved, or substituted as aforesaid, such Timber and other Trees or Tree shall not be deemed Timber available for the Purposes aforesaid or saleable, and the Value thereof shall not be computed or reckoned by such Architect or Surveyor in the Certificate herein-before required to be given by him: Provided always, that such Consents so signified as aforesaid shall discharge the Person or Persons, or Body or Bodies Politic or Corporate, by whom the Mortgage Money shall be advanced, from all Obligation and Concern to ascertain or inquire whether any such Certificate or other Evidence shall have been procured and laid before the consenting Parties as aforesaid, or for what Purpose the Mortgage Money shall be raised, or whether such Purpose shall be within the true Intent and Meaning of this Act.

Respecting standing or growing Timber.

Protection for Mortgagees.

Every Mortgage to contain a Covenant to keep down the Principal and Interest.

IV. And be it further enacted, That every such Mortgage shall contain a Covenant from the Archbishop or Bishop making the same, for himself, his Heirs, Executors, and Administrators, to pay and keep down so much of the said Principal Money and Interest as shall become payable upon such Mortgage or Mortgages during the Period of his Continuance in his said See.

Power of Distress and Sale in case the Principal or Interest shall be Forty Days in arrear.

V. Provided always, and be it further enacted, That whenever the Principal Money or Interest to be secured by any such Mortgage or Mortgages, or any Part thereof respectively, shall be in arrear and unpaid for more than Forty Days after the same respectively shall become due, it shall be lawful for the Mortgagee or Mortgagees, his or their Executors, Administrators, Successors, or Assigns, to recover the same respectively, or so much thereof respectively as shall be then due, together with Interest after the Rate reserved by the said Mortgage upon any Instalment of the Principal Money which shall be so in arrear, and the Costs and Charges attending the Recovery thereof,

thereof, by Distress and Sale in such Manner as Rents may by Law be recovered by Landlords from their Tenants.

Not more than One Year's Interest and One Instalment of Principal to be recovered by Distress in case of Avoidance of See.

VI. Provided always, and be it further enacted, That from and after every Avoidance of any See the Lands and Hereditaments whereof shall have been mortgaged as aforesaid no Person or Persons, or Body or Bodies Politic or Corporate, to whom any such Mortgage or Mortgages shall have been made, his, her, or their Executors, Administrators, Successors, or Assigns, shall be entitled to recover by Distress and Sale in the Manner herein-before mentioned any more than One Year's Interest which may have accrued before such Avoidance upon any Principal Sum to be secured by such Mortgage or Mortgages, or more than One Instalment for Principal Money which shall have fallen due before such Avoidance.

Money borrowed to be paid into the Hands of a Nominee or Nominees.

VII. And be it further enacted, That the Money to be borrowed as aforesaid shall be paid, in the Case of an Archbishop, into the Hands of such Person or Persons as shall be nominated or appointed to receive and apply the same for the Purposes aforesaid by the Archbishops of *Canterbury* and *York* for the Time being, by some Writing under their respective Hands, and in the Case of a Bishop into the Hands of such Person or Persons as shall be nominated or appointed to receive and apply the same for the Purposes aforesaid by such Bishop and the Archbishop of the Province for the Time being, by some Writing under their respective Hands, after such Nominee or Nominees shall have given a Bond to the Persons so nominating or appointing, with sufficient Surety, in a sufficient Sum, with a Condition for his or their duly applying and accounting for the Money which may come to his or their Hands under this Act; and the Receipt or Receipts of the Person or Persons so to be nominated shall be a sufficient Discharge to the Person or Persons who shall advance and pay the Money; and the Person or Persons so to be nominated shall or may from Time to Time enter into Contracts with proper Persons for such Works as shall from Time to Time be approved, in the Case of an Archbishop, by the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop by the Archbishop of the Province and the Bishop of the Diocese for the Time being, and be specified in an Instrument or Instruments upon Parchment to be signed by them; and also shall or may, with the like Approbation, from Time to Time rescind or vary any such Contracts, and shall inspect and have the Care of the Execution of such Contracts, and shall pay the Money for such Works according to the Terms of such Contracts; or otherwise shall superintend and inspect such Works, and pay for the same, as the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be) shall by some Writing or Writings under their respective Hands appoint or direct; and shall also pay the Consideration Money for all such Messuages, Buildings, and Lands as shall be purchased under the Authority of this Act to such Persons and in such Manner as the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be) shall in manner aforesaid appoint or direct; and shall also purchase or provide and pay for all such Fixtures and

Powers and Duties of Nominees.

Fittings as shall be deemed proper and suitable as aforesaid, and shall be approved by the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be); and shall pay the Costs and Charges of any Mortgage or Mortgages and of any Purchase or Purchases which may be made under the Authority of this Act, and of procuring any such Certificate, Plan, Estimate, Map, and Valuation as aforesaid, and of making Copies thereof; and shall take proper Receipts for the Money to be so paid or applied as aforesaid; and, so soon as the Works and other Purposes for which such Monies shall have been raised shall be completed, and the Money paid, shall make out an Account of his or their Receipts and Payments, and enter them in a Book fairly written, which shall be signed by him or them, and, together with the Vouchers for such Payments, shall be laid before the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be), and examined by them, and when allowed by Writing under their Hands such Allowance to be a full Discharge to the Person or Persons so nominated in respect of the said Account; and if any Balance shall remain in the Hands of such Nominee or Nominees after the Payments aforesaid, and also after making to him or them such Compensation for his or their Trouble as the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be) shall think reasonable, the same shall be paid in discharge of the Principal Debt secured by such Mortgage or Mortgages, so far as such Balance will extend to pay the same, and so as to reduce proportionably the annual Instalments of such Debt, or such of the said Instalments as shall not have fallen due; all which Accounts, when made out, completed, and allowed, shall be deposited, together with the Vouchers, in the Registry of the Diocese of the Archbishop or Bishop by whom such Mortgage or Mortgages shall have been made, for the Use and Benefit of such Archbishop or Bishop and his Successors, who shall have a Right to inspect the same, and take Copies thereof, whenever Occasion shall require.

The Mortgagor may grant Leases notwithstanding any such Mortgage.

VIII. Provided nevertheless, and be it further enacted, That, notwithstanding any such Mortgage or Mortgages as aforesaid, it shall be lawful for the Archbishop or Bishop who shall have made the same, and his Successors, from Time to Time to make such Contracts and Agreements for granting Leases, and such Leases, either under any existing Power, or under any Power to be hereafter created, or otherwise howsoever, as he or they might have made in case this Act and the said Mortgage or Mortgages had not been passed or made; and that such Mortgage or Mortgages shall also be subject to the Effect of all such Contracts and Agreements for Leases, and of all such Leases, of any of the Hereditaments to be included therein, as may have been then already made and may be then subsisting.

The Archbishop or Bishop for the Time being to pay off yearly at the End of the Third

IX. And be it further enacted, That every Archbishop or Bishop making any such Mortgage or Mortgages as aforesaid, and his Successors for the Time being, shall and he and they is and are hereby required to pay and discharge yearly at the End of the Third Year from the making of such Mortgage or Mortgages respectively, and at the End of each Year of the succeeding Twenty-nine Years, One Thirtieth

Thirtieth Part of the Principal Money thereby to be respectively secured, until the whole of such Money shall be discharged, and also from Time to Time to pay the Interest which shall become due on such Principal Money, or on such Part thereof as for the Time being shall remain unpaid; and that every such Archbishop or Bishop, and his Successors for the Time being, shall annually, at his and their own Expence, from and immediately after the Commencement of any such Buildings or other Works as aforesaid, except as to any Palace, Mansion House, Messuage, or Building which shall be proposed to be entirely taken down, and then from and immediately after the Commencement of the rebuilding thereof, and also from and immediately after the entering into any Contract or Contracts for the Purchase of any Messuage or Building under the Authority of this Act, insure and keep insured the whole of the Buildings whereon or on any Part whereof such Works shall have been so commenced, or which shall be comprised in such Contract or Contracts as aforesaid, at One or more of the public Offices in *London* or *Westminster* for insuring Houses and Buildings from Loss or Damage by Fire, in such Sum or Sums of Money as shall be agreed upon, in the Case of an Archbishop, by the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop by the Archbishop of the Province and the Bishop of the Diocese for the Time being; and the Receipt or Receipts for the Premium or Premiums which shall be paid for effecting or keeping on foot such Insurance or Insurances respectively shall be annually exhibited by every such Archbishop effecting such Insurance or Insurances to the other Archbishop for the Time being, and by every such Bishop to the Archbishop of the Province for the Time being; and in every Case of any Loss or Damage by Fire to any of the said Buildings the Money to be received under any such Insurance or Insurances shall be applied, in the Case of an Archbishop, by or under the Direction of the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop, by or under the Direction of the Archbishop of the Province and the Bishop of the Diocese for the Time being, in or towards the rebuilding or repairing and reinstating of the same.

Year One Thirtieth Part of the Principal, and also the Interest of such Part as for the Time being may remain unpaid; and to insure from Fire.

X. Provided always, and be it further enacted, That if any such Archbishop or Bishop as aforesaid, or any of his Successors, shall neglect to insure or keep insured in manner aforesaid the said Buildings or any of them to the full Amount which shall be agreed upon as aforesaid, and any Loss or Damage by Fire shall happen thereto, and the Archbishop or Bishop who shall have so neglected, or his Heirs, Executors, or Administrators, shall not within Twelve Calendar Months next after such Fire shall have happened rebuild or repair and reinstate the Building or Buildings which shall have been burnt down or damaged by Fire, or apply for the Purpose such a Sum of Money as, together with the Money, if any, for which the Building or Buildings so burnt down or damaged by Fire shall have stood insured, shall make up the full Sum for which the same respectively ought to have been kept insured, it shall be lawful, in the Case of an Archbishop, for the other Archbishop for the Time being, and in the Case of a Bishop for the Archbishop of the Province for the Time being,

In case of Neglect to insure, and if Fire should happen, Power given for proceeding against the Archbishop or Bishop by Action.

being, and they are hereby directed, to proceed by Action of Debt against the Archbishop or Bishop who shall have so neglected, or his Heirs, Executors, or Administrators, for the Recovery of such a Sum of Money (not exceeding the Sum for which the Building or Buildings so to be burnt down or damaged by Fire ought to have been insured as aforesaid, or the Proportion thereof for which the same shall not have stood insured, after deducting therefrom the Money, if any, which such Archbishop or Bishop, his Heirs, Executors, or Administrators, shall have applied towards such Rebuilding or Repairs and Reinstatement as aforesaid) as shall be sufficient to rebuild or repair and reinstate the same; and the Money so to be recovered in such Action shall be applied, in the Case of an Archbishop, by the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop by the Archbishop of the Province and the Bishop of the Diocese for the Time being, or under their Direction respectively, in or towards rebuilding, repairing, and reinstating the Building or Buildings which shall have been so burnt down or damaged by Fire as aforesaid.

Upon every Vacancy of any See the Archbishop or Bishop avoiding the same, or his Executors, to pay a Proportion of the half-yearly Interest, and also of the annual Instalment of Principal.

XI. Provided always, and be it further enacted, That upon every Vacancy which shall happen of any See the Lands and Hereditaments whereof shall have been mortgaged under the Authority of this Act, before such Mortgage or Mortgages shall be discharged, the Archbishop or Bishop for the Time being avoiding the same, his Heirs, Executors, or Administrators, shall pay so much of the half-yearly Payment of Interest upon the Principal Money secured by any such Mortgage or Mortgages accruing and not actually accrued due at the Time of his ceasing to be Archbishop or Bishop of the said See as shall be in proportion to the Time which at such Avoidance shall have elapsed of the current Half Year, and shall also (in case such Avoidance shall happen after the Expiration of the Second Year from the Date of such Mortgage or Mortgages respectively) pay so much of the annual Instalment which shall fall due next after such Avoidance of the said See of every Principal Sum so to be secured as aforesaid as shall be in proportion to the Time which at such Avoidance shall have elapsed of the current Year.

For Removal of Buildings, and applying the Materials to the Purposes of the Act.

XII. And be it further enacted, That if any Money shall be raised by any Archbishop or Bishop under the Authority of this Act, for the Purpose of building or purchasing any Palace or Mansion House, Offices, or Outbuildings, in substitution for any Palace or Mansion House, Offices, or Outbuildings, then belonging to his See, it shall be lawful for any such Archbishop, with the Consent of the other Archbishop for the Time being, and for any such Bishop, with the Consent of the Archbishop of the Province for the Time being, (such Consent to be signified by some Writing under the Hand of the consenting Party,) to take down and remove the Palace or Mansion House, Offices, Offices, or Outbuildings, for which the said Palace or Mansion House, or Outbuildings to be so built or purchased shall be substituted as aforesaid (if the same or any Part thereof cannot be better applied for the permanent Advantage of the See), and to apply the Materials in or towards any Buildings or other Works for the Purpose of which

such Money shall be raised as aforesaid, or to sell the same: Provided nevertheless, that all Monies to arise by any such Sale shall be paid to the Person or Persons who shall be nominated and appointed as aforesaid to receive the Money so to be raised by Mortgage; and that the Receipt or Receipts of such Nominee or Nominees shall be a sufficient Discharge or sufficient Discharges to the Person or Persons paying the same; and that such Monies shall be applied by such Nominee or Nominees, in the first place, for all or any of the Purposes for which the Mortgage Money shall be raised, with such Approbation and in such Manner and subject to such Provisions as hereinbefore is directed and are contained with respect to the Money to be raised by any such Mortgage or Mortgages as aforesaid.

Dilapidation Monies to be applied for Purposes of the Act.

XIII. And be it further enacted, That all Sums of Money recovered or received for Dilapidations, by Suit, Composition, or otherwise, from any former Archbishop or Bishop, or his Representatives, and which shall not have been laid out or expended in rebuilding or Repairs, shall be paid to the Person or Persons who shall be nominated or appointed as aforesaid to receive the Money so to be raised by Mortgage; and the Receipt or Receipts of such Nominee or Nominees shall be a sufficient Discharge or sufficient Discharges to the Person or Persons paying the same Monies; and such Monies shall be applied by such Nominee or Nominees, in the first place, for such Purposes and in such Manner and subject to such Provisions as are herein-before directed and contained with respect to the Money to be raised by any such Mortgage or Mortgages as aforesaid: Provided always, that no Person or Persons, or Body or Bodies Politic or Corporate, who may advance Money upon any such Mortgage or Mortgages as aforesaid, shall be bound to inquire or ascertain whether the Monies which may have been recovered or received for Dilapidations from any former Archbishop or Bishop, or his Representatives, shall have been previously laid out or expended or paid as aforesaid.

Mortgagees not bound to inquire whether such Sums have been previously so applied.

Governors of of Queen Anne's Bounty may advance any Sum or Sums authorized to be raised by this Act.

XIV. And be it further enacted, That it shall be lawful for the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy to advance and lend, at One or more Time or Times, out of the Money which has arisen or shall from Time to Time arise from that Bounty, or from Grants by Parliament in aid thereof, any Sum or Sums of Money by this Act authorized to be raised; and such Mortgage or Mortgages as aforesaid shall be made for Repayment in manner aforesaid by Instalments of the Principal Sum or Sums so to be advanced, with Four Pounds *per Centum per Annum* Interest for the same respectively, by such half-yearly Payments as aforesaid.

For appointing new Nominees in certain Cases.

XV. Provided always, and be it further enacted, That if, at any Time or Times before all the Purposes for which any Person or Persons may have been appointed Nominee or Nominees under the Provisions of this Act shall have been carried into execution, such Person or Persons, or any Nominee or Nominees who may have been appointed under this present Power, shall die, or decline or become incapable to act, or desire to be discharged from acting in the Execution of the Purposes for which he or they may have been so appointed, or shall misconduct himself or themselves in the Opinion of the Two Archbishops

bishops or the Archbishop and Bishop (as the Case may be) by whom he or they shall have been nominated, or their Successors for the Time being, then and so often as the same shall happen it shall be lawful for the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be), by any Writing under their Hands, to nominate or appoint any other Person or Persons in the Stead or Place of the Nominee or Nominees who shall so die, or decline or become incapable to act, or desire to be discharged, or misconduct himself or themselves as aforesaid; and such Person or Persons so to be nominated or appointed as last aforesaid, upon giving a Bond to the Persons so nominating and appointing him or them as aforesaid, with sufficient Surety, in a sufficient Sum, conditioned for his or their duly applying and accounting for any Money which may come to his or their Hands under this Act, shall and may act or concur in acting in the Execution of the Purposes of such Appointment, with such and the same Powers, and in such and the same Manner, as if he or they had originally been a Nominee or Nominees for the Purposes aforesaid.

Power to purchase House or Land for a Site to build on.

XVI. And be it further enacted, That it shall be lawful for any Archbishop, with the Consent of the other Archbishop and the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, and for any Bishop, with the Consent of the Archbishop of the Province and the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, such Consents to be signified by some Writing or Writings under the respective Hands of the consenting Parties, and also by their respectively being made Parties to and executing the Deed or Deeds by which the purchased Property shall be conveyed as herein-after mentioned, to contract for the absolute Purchase of any Freehold Messuage or Mansion House, Offices, or Outbuildings, or for the absolute Purchase of the Fee of any Copyhold Messuage or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, either with or without Land convenient to be held therewith, and also to contract for the absolute Purchase of any Freehold Land, or of the Fee of any Copyhold Land, either with or without any Building or Buildings thereon, as a Site for a Palace or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, and for Occupation therewith; which said Premises so to be purchased shall be conveyed and assured unto and to the Use of such Archbishop or Bishop and his Successors in the same See, and be for ever thereafter held and enjoyed by him and them respectively, and be and continue annexed to the said See as Part of the Possessions thereof.

Persons under legal Disability empowered to sell.

XVII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Persons and Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuisque Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of,

or

or interested in any Messuages or Buildings, Lands, Grounds, or Hereditaments which may be conveniently used or taken for the Purposes of this Act, to contract for, sell, and convey, or, if Copyhold, to enfranchise the same and every Part thereof, unto such Archbishop or Bishop as aforesaid and his Successors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act.

Application of Purchase Money when it exceeds 200*l.*

XVIII. And be it further enacted, That if any Money shall be agreed to be paid for any Messuages or Buildings, Grounds, Lands, or Hereditaments, purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Trustee, Feme Covert, Infant, Lunatic, Person or Persons under any Disability or Incapacity as herein-before is mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Archbishop or Bishop of the Diocese for whose Residence any such Messuages, Buildings, Grounds, Lands, and Hereditaments shall have been purchased, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages and Buildings, Grounds, Lands, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages or Buildings, Grounds, Lands, or Hereditaments, or affecting other Lands and Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction or Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, or upon such and the like Uses, Intents, and Purposes, and in the same Manner, as the Messuages or Buildings, Grounds, Lands, and Hereditaments, which shall be so purchased, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the same Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant

1 G. 4. c. 35.

Accountant General in his Name in the Purchase of Three *per Cent.* Consolidated or Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purpose aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Where less than 200*l.* but exceeding 20*l.*

XIX. And be it further enacted, That if any Money so agreed to be paid for any Messuages or Buildings, Grounds, Lands, or Hereditaments purchased for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, the same shall be paid to Three Trustees to be nominated by the Person or Persons for the Time being entitled to the Rents and Profits of the Messuages, Buildings, Grounds, Lands, and Hereditaments so purchased, and approved of by the Archbishop or Bishop for whose Residence such Messuages, Buildings, Grounds, Lands, and Hereditaments shall have been purchased, such Nomination to be signified by some Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When not exceeding 20*l.*

XX. Provided always, and be it further enacted, That where such Money so agreed to be paid for any such Purchase as aforesaid shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Messuages and Buildings, Grounds, Lands, or Hereditaments so purchased, or in case of Infancy, Coverture, Idiotcy, Lunacy, or other Incapacity, then to his, her, or their respective Guardian or Guardians, Husband or Husbands, Committee or Committees, Trustee or Trustees.

Certificate of Cashier and Receipts of Guardians, &c., to be good Discharges.

XXI. Provided always, and be it further enacted, That the Certificate of the Cashier of the Bank of *England* who shall receive any such Purchase Money as is herein-before directed to be paid into the Court of Exchequer shall be a sufficient Discharge for the Purchase Money therein certified to be received; and that the Receipt in Writing of such respective Guardian or Guardians, Husbands or Husband, Committees or Committee, Trustees or Trustee, for any such Purchase Money as is herein-before directed or authorized to be paid to them or him respectively, shall be a sufficient Discharge for the Purchase Money therein acknowledged to be received.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1839.