



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

C A P. XX.

An Act to amend an Act passed in the First Year of the Reign of His late Majesty King *George the First*, intituled *An Act for rendering more effectual Her late Majesty's gracious Intentions for the Augmentation of the Maintenance of the Poor Clergy*; and to render valid certain Agreements which have been made in pursuance of the said Act; and for other Purposes. [3d July 1840.]

WHEREAS by Letters Patent of Her Majesty Queen *Anne*, under the Great Seal of *England*, bearing Date the Third Day of *November* in the Third Year of Her Reign, incorporating "The Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy," the said Governors were authorized to consider, consult, advise, agree upon, draw up, prepare, and propose in Writing to Her said Majesty, Her Heirs and Successors, such proper and necessary Rules, Methods, Directions, Orders, and Constitutions as the said Governors, or any Seven or more of them, with such Quorum as is therein directed, should in their Discretion judge most convenient to be observed for and towards the better Rule and Government of the said Corporation

Letters Patent, 3d Nov. 3 Anne, incorporating the Governors of the Bounty of Queen Anne.

and the Members thereof, and the receiving, accounting for, and managing all and every the Revenues thereby granted, and all Arrears thereof, and also for and concerning the distributing, paying, and disposing of the same, and all other Gifts and Benevolences that should or might be given or bequeathed to the said Corporation for the charitable Ends in the said Letters Patent mentioned for the Augmentation of the Maintenance of the Poor Clergy aforesaid, and that such Rules, Methods, Orders, Directions, and Constitutions as should be so proposed, and should be approved, altered, or amended by Her said Majesty, Her Heirs or Successors, and such as should be made by Her said Majesty, Her Heirs or Successors, and so signified and declared by Her, Her Heirs or Successors, under Her or Their Great Seal, Her said Majesty thereby willed should be the Rules, Methods, Directions, Orders, and Constitutions by which the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and their Successors, should receive, manage, govern, apply, and dispose Her said Majesty's Royal Bounty, and other Gifts and Benevolences which should or might after that Time be given or bequeathed to the said Corporation (where the Donors thereof should not particularly direct the Application thereof), to and for the Increase of the Maintenance of such Parsons, Vicars, Curates, and Ministers officiating in any Church or Chapel within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick-upon-Tweed*, where the Liturgy and Rites of the Church of *England*, as then by Law established, were and should be used and observed, for whom a Maintenance was not then sufficiently provided: And whereas, pursuant to the said Letters Patent of Incorporation, the said Governors did agree upon, prepare, and propose to Her said Majesty certain Rules and Constitutions, for the better Rule and Government of the said Corporation, the Fourth of which said Rules and Constitutions was to the Effect following; (that is to say,) that in order to encourage Benefactions from others, and thereby the sooner to complete the Good that was intended by Her said Majesty's Bounty, the Governors might give the Sum of Two hundred Pounds (which was the stated Sum to be allowed to each Cure) to Cures not exceeding Thirty-five Pounds *per Annum*, where any Persons would give the same or greater Sum or Value in Lands or Tithes; and Her said Majesty, by Letters Patent under Her Great Seal, bearing Date the Fifth Day of *March* in the Twelfth Year of Her Reign, did establish the said Rules and Constitutions, reserving to Herself, Her Heirs and Successors, Power from Time to Time, under Her or Their Great Seal, to alter the same, and to give and make in like Manner such other Rules and Constitutions, according to the true Intent of the said Letters Patent of Incorporation, as to Her said Majesty, Her Heirs or Successors, should seem meet: And whereas by an Act passed in the First Year of the Reign of His Majesty King *George* the First, intituled *An Act for making more effectual Her late Majesty's gracious Intentions for augmenting the Maintenance of the Poor Clergy*, after reciting (amongst other things) the said several Letters Patent of Her said Majesty, it was enacted and declared, that all such Rules, Methods, Orders, Directions, and Constitutions as should from Time to Time be by the said Governors agreed upon, prepared, and proposed to His said Majesty, His Heirs

Rules prepared by the Governors according to the said Letters Patent.

1 G. 1. c. 10.

and Successors, according to the true Intention of the said Letters Patent of Incorporation, and by His said Majesty, His Heirs and Successors, approved under His or Their Sign Manual, should be as good, valid, and effectual Rules, Methods, Directions, Orders, and Constitutions for the Purposes aforesaid as if the same were made and established under the Great Seal of His said Majesty, His Heirs or Successors; and by the same Act, after reciting the said Fourth Rule or Constitution established by the said Letters Patent of the Fifth Day of *March* in the Twelfth Year of Her said Majesty's Reign, and that the Right of Presentation or Nomination to small Livings was of inconsiderable Value, and yet it might be a great Inducement to such Benefactions as aforesaid if the Benefactor might have some Right of Presentation or Nomination to the Cure which himself contributed to augment, it was therefore further enacted, that all Agreements with such Benefactor and Benefactors, with the Consent and Approbation of the said Governors, touching the Patronage or Right of Presentation or Nomination to any such augmented Cure made or to be made for the Benefit of such Benefactor and Benefactors, his, her, or their Heirs or Successors, by the King's most Excellent Majesty, His Heirs and Successors, under His and Their Sign Manual, or by any Bodies Politic or Corporate, or by any Person or Persons being of the full Age of Twenty-one Years, having an Estate of Inheritance either in Fee Simple or Fee Tail in their own Right, or in the Right of their Churches or Wives, or jointly with their Wives, made before Coverture or after, or having an Estate for Life or for Years determinable upon his and their own Life and Lives, with Remainder in Fee Simple or Fee Tail to any Issue of his or their own Bodies, in such Patronage or Right of Presentation or Nomination, in Possession, Reversion, or Remainder, should be respectively good and effectual in the Law against His Majesty, His Heirs and Successors, or against all and every such Bodies Politic and Corporate, or against the Person so agreeing, their Wives, Heirs, and Successors respectively, and every of them, and against all and every their Issue, and against every other Person and Persons claiming in Remainder and Reversion after such Estate Tail as aforesaid, according to the Form of such Agreement, and the Advowson, Patronage, and Right of Presentation and Nomination to such augmented Churches and Chapels should be vested in such Benefactors, their Heirs and Successors, as against His Majesty, His Heirs and Successors, or the said Bodies Politic and Corporate and their Successors, or the said respective Persons as aforesaid, as fully, and in like Manner and Form, as if the same had been granted by His said Majesty, His Heirs or Successors, under His and Their Great Seal, and as if such Bodies Politic or Corporate had been free from any Restraint, and as if such other Persons so agreeing had been sole seised in his and their own Right of such Advowson, Patronage, Right of Presentation, and Nomination in Fee Simple, and had granted the same to such Benefactors, their Heirs and Successors respectively, according to such Agreements; and it was thereby further enacted, that the Agreements of Guardians for and on behalf of Infants or Idiots under their Guardianship should be as good and effectual, to all Intents and Purposes, as if the said Infants or Idiots had been of full Age and of sound Mind, and had themselves entered into such Agreements; provided
always,

Rules have
been altered
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always, that in case of any such Agreement as aforesaid by any Parson or Vicar, the same should be with the Consent and Approbation of his Patron and Ordinary; provided also, that in case of any such Agreement as aforesaid made by any Person seised in right of his Wife, the Wife should be a Party to the Agreement, and should seal and execute the same: And whereas under the Provisions of the herein-before recited Letters Patent and Act of Parliament, or some or one of them, divers Rules, Orders, and Constitutions have been from Time to Time made, whereby the Power of the said Governors to augment Cures to the Augmentation of which any Benefactor or Benefactors should also contribute as aforesaid has from Time to Time been enlarged and extended, both with respect to the Amount of the yearly Value of the Cures which the said Governors were empowered to augment, and with respect to the Amount which the said Governors were empowered to appropriate out of the Funds at their Disposal towards such Augmentation, and such Power so enlarged and extended has in many Cases been exercised by the said Governors, and in some of such Cases Agreements have been made with the Benefactor or Benefactors contributing to such Augmentations touching the Patronage or Right of Presentation or Nomination to such augmented Cures, according to the Provision of the said recited Act: And whereas Doubts have arisen whether Appropriations made by the said Governors for the Augmentation of any Cure were strictly authorized by the Rules, Orders, and Constitutions for the Time being in force, in those Cases in which the Amount so appropriated to any Cure by the said Governors has exceeded in any One Year the Sum of Two hundred Pounds; and Doubts have also arisen whether the Agreements made with such Benefactor or Benefactors as aforesaid are strictly valid and effectual in those Cases in which the yearly Value of the augmented Cure has previously to such Augmentation exceeded the Sum of Thirty-five Pounds, or the Amount so appropriated by the said Governors as aforesaid has exceeded in any One Year the Sum of Two hundred Pounds: And whereas it is expedient to remove and obviate all such Doubts as aforesaid, both with respect to Appropriations made by the said Governors, and with respect to Agreements made and to be made with any such Benefactor or Benefactors as aforesaid: 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 all Appropriations heretofore made by the said Governors of any Sum or Sums of Money out of the Monies at their Disposal to the Augmentation of any Cure shall be good, valid, and effectual, to all Intents and Purposes whatsoever, in all Cases in which any Benefactor or Benefactors has or have, in order to obtain any such Appropriation for the Augmentation of the same Cure, contributed not less than the Amount of Benefaction which was at the Time of any such Augmentation required in that Behalf by the Rules, Orders, and Constitutions then in force, notwithstanding that the Sum or Sums so appropriated by the said Governors to the Augmentation of such Cure shall have exceeded in any One Year the Sum of Two hundred Pounds.

Certain Ap-
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made by the
Governors
confirmed.

II. And

II. And be it further enacted, That all Agreements already made and hereafter to be made, with such Consent and Approbation of the Patron and Ordinary as required by the said recited Act, and with the Consent and Approbation of the said Governors, with any Benefactor or Benefactors contributing to the Augmentation of any Cure, touching the Patronage or Right of Presentation or Nomination to such augmented Cure, for the Benefit of such Benefactor or Benefactors, his, her, or their Heirs or Successors, according to the Provisions of the said recited Act, and all Grants and Assurances made and to be made for carrying such Agreements into effect, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, in all Cases in which the yearly Value of the augmented Cure shall have been or shall be within the Limits prescribed for the same by the Rules, Orders, and Constitutions which shall have been or shall be in force at the Time of making such Agreements respectively as aforesaid, notwithstanding that such yearly Value shall have exceeded or shall exceed the Sum of Thirty-five Pounds, or that the Amount appropriated by the said Governors out of the Monies at their Disposal to the Augmentation of such Cure shall have exceeded or shall exceed in any One Year the Sum of Two hundred Pounds, or that such yearly Value and also the Amount so appropriated shall both have exceeded or shall both exceed the same several Sums respectively: Provided nevertheless, that so far as relates to such Agreements as aforesaid the Amount of all Appropriations hereafter to be made by the said Governors to the Augmentation of any Cure shall be within the Limits prescribed for the same by the Rules, Orders, and Constitutions which shall be in force at the Time of making such Agreements respectively as aforesaid.

Certain Agreements made by the Governors confirmed, and Provisions of recited Act extended.

Amount of Appropriations hereafter to be made shall be within the Limit prescribed by Rules in force at the Time.

III. And whereas it is expedient to extend the Provisions of the said recited Act, with respect to such Agreements as aforesaid, to Cases in which no Appropriation shall be made by the said Governors out of the Funds at their Disposal to the Augmentation of the Cures to which such Agreements shall respectively relate; be it therefore further enacted, That all Agreements hereafter to be made, with such Consent and Approbation of the Patron and Ordinary, as required by the said recited Act, and with the Consent and Approbation of the said Governors, with any Benefactor or Benefactors contributing to or providing for the Augmentation of any Cure, touching the Patronage or Right of Presentation or Nomination to such Cure, for the Benefit of such Benefactor or Benefactors, his, her, or their Heirs or Successors, according to the Provisions of the said recited Act, and all Grants and Assurances to be made for carrying such Agreements into effect, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, in all Cases in which the yearly Value of such Cure shall be within the Limits prescribed for the same by the Rules, Orders, and Constitutions which at the Time of making such Agreements respectively as aforesaid shall be in force with respect to Cures for the Augmentation of which Appropriations to meet Benefactions may be made by the said Governors out of the Funds at their Disposal, notwithstanding that in any of such Cases no Appropriation whatsoever shall be made

Provisions of 1 G. 1. c. 10. extended to this Act in Cases where no Appropriation shall be made by the Governors.

by the said Governors out of the Funds at their Disposal to the Augmentation of the Cure to which such Agreements as aforesaid shall respectively relate.

On Completion of an Agreement for Transfer of Patronage of a Cure to a Benefactor, though no Appropriation be made by the Governors, the Cure to be considered as one augmented by them.

IV. And be it further enacted, That every Cure touching the Patronage or Right of Nomination to which any such Agreement as aforesaid with any Benefactor or Benefactors shall be made for the Benefit of such Benefactor or Benefactors, his, her, or their Heirs or Successors, though no Appropriation whatsoever to the said Cure for the Augmentation thereof shall be made by the said Governors out of the Funds at their Disposal, shall, from and immediately after the Completion of such Agreement, be deemed and considered in Law, in all respects, and to all Intents and Purposes whatsoever, as a Cure augmented by the said Governors, and the same, and the Minister or Incumbent thereof, and his Successors, shall be subject and liable to all the Laws, Rules, and Regulations relating to or concerning Cures augmented by them and the Ministers or Incumbents thereof.

2 & 3 Vict.
c. 49.

V. And whereas by an Act passed in the Second and Third Years of the Reign of Her present Majesty (Chapter Forty-nine), intituled *An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne, and for other Purposes*, after reciting that it was expedient to make Provision for the more permanent Security of the Endowments and Emoluments which should have been or might thereafter be provided for the Use or Benefit of any Church or Chapel, whether built, acquired, or appropriated, or to be built, acquired, or appropriated, under the Authority of certain Acts therein recited or referred to, or of any of them, or under any other Authority, or for the Use or Benefit of the Incumbent of any such Church or Chapel, or of the Spiritual Person serving the same, it was enacted, that it should and might be lawful for the said Governors of the Bounty of Queen Anne to accept, take, and hold any such Endowments and Emoluments upon the Trusts and for the Intents and Purposes for which the same should have been or might thereafter be given or granted by the Person or Persons providing the same, in like Manner as any such Endowments or Emoluments might then be taken or held by any private Trustees or Trustee; and that it should and might be lawful for any Trustees or Trustee of any such Endowments or Emoluments to assign and transfer the same to the said Governors of the Bounty of Queen Anne, to be held and applied by them upon the same Trusts and for the same Intents and Purposes as the same previously to such Assignment and Transfer were held by such Trustees or Trustee: And whereas it is expedient to make such further Provision as is herein-after contained for the Application and Disposition of all Endowments and Emoluments accepted by or assigned to or to be accepted by or assigned to the said Governors under the aforesaid Provisions of the last-recited Act; be it therefore further enacted, That all Endowments and Emoluments whatsoever already accepted or taken by or assigned or transferred to, or to be hereafter accepted or taken by or assigned or transferred to, the said Governors, under the aforesaid Provisions of the last-recited Act, and the Money, Stocks, Parli-

Endowments accepted under the last-recited Act by the Governors to

mentary

mentary or other Funds or Securities, Land, Hereditaments, or other Property of which the same respectively may consist, shall, so far as Circumstances will permit, and subject and without Prejudice to the Trusts, Intents, and Purposes upon and for which the same shall have been given or granted by the Person or Persons providing the same, be appropriated by the said Governors to the particular Benefice for which the same respectively shall have been provided, and 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 in the Purchase of Land, and Exchange for other Lands and Hereditaments, and otherwise, and other Powers and Authorities, in all respects, according to the Rules, Orders, and Constitutions for the Time being in force for the Management of the Bounty of Queen *Anne*, as if the Money, Stock, Land, Hereditaments, or other Property of which such Endowments and Emoluments may respectively consist had been originally provided or appropriated by the said Governors out of the Funds at their Disposal for the Benefit and Augmentation of the same Benefice.

be (except in special Cases) subject to the same Rules as if they had been appropriated by the Governors.

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