



# Sequestration Act 1849

## 1849 CHAPTER 67

An Act to extend the Remedies of Sequestrators of Ecclesiastical Benefices. [28th July 1849]

WHEREAS it is expedient to extend the Remedies for the Recovery of the Profits of sequestered Benefices :

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,

**Sequestrator enabled to sue in his own Name for Tithes, Rent, &c. due to the Incumbent of the Benefice sequestered.**

That from and after the passing of this Act every Sequestrator who shall then have been or who shall thereafter be appointed by a Bishop or other Ordinary, or by any competent Ecclesiastical Court, to levy, collect, gather, or receive the Profits of any Ecclesiastical Benefice, by virtue or in pursuance of any Writ of Fieri facias de bonis ecclesiasticis, Levari facias de bonis ecclesiasticis, Sequestrari facias, or of any Sequestration made or issued by Authority of Law, may and is hereby authorized and empowered, from Time to Time, to bring and prosecute any Action at Law or Suit in Equity, or levy any Distress, or take any other Proceeding in his own Name as the Sequestrator of such Benefice, without further Description, for the Recovery of any Tithes, Tithe Rent-charge, Tithe Composition or Substitution, Obvention, Pension, Portion, or other Payment for or in the Nature or in lieu of Tithe, or any other Rent or annual Sum, Dues, or Fees payable to the Incumbent of such Benefice, or of any Messuages, Lands, Tenements, or Hereditaments subject to such Sequestration, or of any Rent due or Payment reserved or made payable to the Incumbent of such Benefice under any Lease of or Covenant or Agreement to let any such Messuages, Lands, Tenements, or Hereditaments, Tithes, Tithe Rent-charge, or other Parcel of the Benefice to which the Appointment of such Sequestrator relates :

**Nothing to empower Sequestrator to bring or take Actions except against Incumbent, &c.**

Provided always, that nothing herein contained shall be construed to empower the Sequestrator of any Benefice to bring, prosecute, levy, or take any Action, Suit, Distress, or other Proceeding by virtue of this Act, except against the Incumbent of such Benefice, which might not lawfully have been brought, prosecuted, levied, or taken by the Incumbent of such Benefice if such Benefice had not been under Sequestration :

**Sequestrator may require Indemnity from the Creditor, at whose Suit the Sequestration shall issue.**

Provided also, that no Sequestrator appointed under a Sequestration issued at the Suit or Instance of any Creditor shall be bound to commence, prosecute, levy, or take any Action, Suit, Distress, or other Proceeding as aforesaid under the Provisions of this Act, unless and until Security, to be approved by such Sequestrator, shall be given by the Creditor at whose Suit or Instance such Sequestration shall have been issued, for indemnifying such Sequestrator and the Bishop or other Ordinary or Ecclesiastical Court from all Costs, Charges, and Expenses incurred or to be incurred in the Commencement, Prosecution, or Conduct of such Action, Suit, or Distress, or other Proceeding to which he or they respectively may become liable in consequence thereof, the Expense of such Security to be deducted or allowed out of any Money to be received by the Creditor by virtue of such Action, Suit, Distress, or other Proceeding.

**II All Payments under the Act to be deemed Profits of the Benefice.**

And be it enacted, That the Payment or Render to such Sequestrator lawfully entitled, with or without Suit, by the Party thereunto liable, of any such Tithe, Tithe Rent-charge, Tithe Coin-position or Substitution, Rent, Dues, Fees, or Payment, shall effectually discharge the Party making the same from all Liability to the Incumbent of such Benefice in respect thereof, and that such Sequestrator shall and may apply and shall account for the Monies received or arising under or by virtue of any such Render, Payment, or Recovery in like Manner as other Goods and Profits of the Benefice liable to Sequestration: Provided always, that nothing herein contained shall make any Alteration in the Law respecting the Application of the Money received by a Sequestrator, or the Security to be given by him for his duly accounting for the same.

**III Act may be amended, &c.**

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.