



Ecclesiastical Houses of Residence Act 1842

1842 CHAPTER 26 5 and 6 Vict

An Act to alter and amend the Law relating to ecclesiastical Houses of Residence. [31st May 1842]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble (which recited [Ecclesiastical Commissioners Act 1836 \(c. 77\)](#), the Act 2 & 3 Vict. c. 18 (1839) and [Ecclesiastical Commissioners Act 1840 \(c. 113\)](#)) omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)

[1.] Episcopal house may in certain cases be taken down and sold, or may be rebuilt or altered. Provisions of 6 & 7 W. 4 c. 77. s. 1 made applicable thereto.

Whenever it shall appear to be expedient to relieve any bishop having more episcopal houses of residence than one from any of such houses, or to provide any bishop with a more convenient house of residence, or to add to, alter, improve, or take down and rebuild any episcopal house of residence, or to improve the demesnes thereof, it shall be lawful, by the authority provided in the ^MEcclesiastical Commissioners Act 1836, with the consent under the hand and episcopal seal of the bishop, to make such arrangements as may by such authority be deemed most expedient, for selling and conveying, to such person or body corporate, and for such consideration as may be approved by the like authority, any episcopal house of residence then belonging to the see of such bishop, or for taking down the same or any part thereof, and selling the site or the materials thereof (as the circumstances may render expedient), or for adding to, altering, improving, or taking down and rebuilding any episcopal house of residence, or for improving the demesnes adjoining to any such house by the purchase of any land, tenement, or hereditament in the immediate neighbourhood or within the view thereof, or for building a new episcopal house of residence for any see on any site to be approved by the like authority, and for applying the proceeds of any such sale as aforesaid, or any part thereof, to any of such purposes, or to any such other purposes, and in such manner, as shall appear to be most conducive to the permanent benefit of

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the see; and so much of the said Act as relates to the providing of any bishop with a more suitable and convenient residence shall be extended so as to include and apply to any of the purposes of this Act.

Marginal Citations

M1 1836 c. 77.

2 Commissioners to state their reasons for the alteration.

Provided always, that in any scheme which shall be laid before her Majesty in council by the [^{F1}Church Commissioners] under this Act, recommending any arrangement for taking down or selling any episcopal residence, or changing the site thereof, the said commissioners shall set forth particularly the grounds and reasons upon which they deem it expedient to offer such recommendation.

Textual Amendments

F1 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

3 ^{F2}

Textual Amendments

F2 [Ss. 3, 15](#) repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

4 ^{F3}

Textual Amendments

F3 [S. 4](#) repealed by [Ecclesiastical Commissioners Act 1850 \(c. 94\), s. 16](#)

5—7. ^{F4}

Textual Amendments

F4 [Ss. 5–7](#) repealed by [Cathedrals Measure 1963 \(No. 2\), Sch. 2](#)

8 Defining other provisions of 3 & 4 Vict. c. 113. s. 68. and extending them to this Act.

The provisions of the thirdly-recited Act, relating to the sale and application of any sum of money invested in trust for any ecclesiastical body corporate, do and shall include and apply to all monies and securities for money, and to all stock in the Government funds or elsewhere, standing in the name of the accountant general of the [^{F5}Supreme

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Court] , or in the name or names of any other public officer, or of any individual or individuals, for or to the credit or for the benefit of or in trust for any bishop, dean, and chapter, dean or canon, whether for the purpose of being laid out in land or otherwise; and the same provisions, and also the provisions of the same Act relating to the sale, transfer, or exchange of any lands or other hereditaments belonging to any bishop or chapter, shall extend and may be applied to any of the purposes of this Act.

Textual Amendments

F5 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), s. 135

9 Certain fixtures and articles of furniture in any house sold or taken down may be sold or removed to another house.

Whenever any house of residence to be sold or taken down as aforesaid shall contain any pictures, books, or other goods and chattels belonging to the owner of such house in right of his dignity, and not in his private capacity, directions shall be given by the authority aforesaid for the sale of such fixtures and articles of furniture as shall be deemed to be unfit for removal to the new or other house of residence, and for the application of the money arising from such sale to purposes consistent, as nearly as may be, with the source from whence the money shall have arisen, and also for the removal to such new or other house of residence of all such pictures and books, and of all such other fixtures, goods, and chattels, as shall be deemed to be fit for removal thereto, and for the deposit and care of them thereat, in conformity, as nearly as may be, with the uses to which they were previously applicable respectively.

10 Certain articles to be deemed freehold fixtures.

In every case of a house of residence purchased, built, rebuilt, added to, altered, or improved under the authority of the first-recited Act or of this Act, or the provisions of the secondly-recited Act, all fixtures, fittings, and other articles in such house which shall have been or shall be paid for out of any monies provided or raised under such authority or such provisions, and which shall be set forth in an inventory in writing, certified under the common seal of the said commissioners, and registered in the registry of the diocese, shall be deemed to be, to all intents and for all purposes, as much part and parcel of the freehold of such house of residence as any fixtures can be in any case now by law be held to be part and parcel of the freehold.

11 Residence houses to be insured.

It shall be lawful, by the authority aforesaid, to direct that any house of residence purchased, built, rebuilt, added to, altered, or improved under the provisions of the said recited Acts or either of them, or of this Act, shall be insured and kept insured by the bishop, dean, or canon for the time being in the occupation thereof, at his own personal charge and expence, in such public office or offices of assurance from loss or damage by fire, and in such sum or sums, as by the like authority may be deemed fit, and such house shall be insured and kept insured accordingly; and the receipt for every premium payable for any such insurance shall be delivered to the said commissioners within fourteen days after such premium shall become due; and in case of loss or damage by fire to any such house so insured, it shall be lawful, by the like authority, to direct in what manner the money received under any such insurance shall be deposited, in trust

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to be applied towards the rebuilding or repairing and the reinstating of such house, or of any such part thereof as may have so suffered loss or damage, and also to direct in what manner the same money, and the interest and accumulations thereof, if any, shall be applied to such last-mentioned purposes.

12 Corporations and persons under legal disability empowered to sell. Application of purchase money where it exceeds 200*l*. Where less than 200*l*. but exceeding 20*l*. When not exceeding 20*l*. Certificate of cashier and receipts of guardians, &c, to be good discharges.

It shall be lawful for any corporation, aggregate or sole, tenant for life or in tail, guardian, committee, or trustee, on behalf of their or his successors, heirs, remaindermen, issue in tail, infants, [^{F6}persons of unsound mind] , and cestuique trusts respectively, and or any feme covert, to contract for, sell, and convey any lands, tenements, or hereditaments, or, if copyhold, to enfranchise the same, for any of the purposes of the first and thirdly recited Acts or this Act, and if the purchase money shall amount to or exceed the sum of two hundred pounds, the same shall be paid, without fee or reward, [^{F7}into the Supreme Court] to the intent that such money shall be applied, under the direction of the said court, by order made upon the summary petition of the corporation or person entitled to the rents and profits of the said lands, tenements, or hereditaments, . . . ^{F8} towards the discharge of any debt or debts, or other incumbrance, or any part thereof, affecting the same lands, tenements, or hereditaments, or affecting other lands, tenements, or 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, in the purchase of other lands, tenements, or hereditaments, to be conveyed to, for, or upon such and the like uses, intents, and purposes, and in the same manner, as the lands, tenements, or hereditaments so sold, conveyed, or enfranchised stood settled or limited, or such of them as shall be then existing undetermined and capable of taking effect; [^{F7}and if, before it is so applied or so laid out and invested, it is [^{F9}invested under section 38 of the Administration of Justice Act 1982]] , the dividends and annual produce thereof shall, by like order, be from time to time paid to such corporation or person; and any such purchase money which shall be less than the sum of two hundred pounds, and shall exceed the sum of twenty pounds, shall be paid to three trustees, to be nominated in an instrument in writing duly executed by such corporation or person, and approved by the said commissioners, under their common seal, in order that such principal money, and the dividends accruing thereon, may be applied in manner herein-before directed, so far as may be, without the direction or approbation of the said court; and any such purchase money which shall not exceed the sum of twenty pounds shall be paid to such corporation or person; . . . ^{F10} and in case of infancy or other incapacity, the receipt in writing of any guardian, husband, committee, or trustee, as the case may be, for any such purchase money, shall be a sufficient discharge for the amount therein acknowledged to be received.

Textual Amendments

- F6** Words substituted by [Mental Treatment Act 1930 \(c. 23\), s. 20\(5\)](#)
- F7** Words substituted by [Administration of Justice Act 1965 \(c. 2\), Sch. 1](#)
- F8** Words repealed by [Statute Law Revision Act 1966 \(c. 5\)](#)
- F9** Words substituted by [Administration of Justice Act 1982 \(c. 53, SIF 34, 37, 38\), s. 46\(2\)\(a\)\(ii\)](#)
- F10** Words repealed by [Administration of Justice Act 1965 \(c. 2\), Sch. 1](#)

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Modifications etc. (not altering text)

C3 S. 12 excluded by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 113, [Sch. 3](#)

13 Restriction as to mortgaging certain augmented benefices.

The powers for enabling incumbents of benefices to raise money by way of mortgage for the purpose of purchasing, building, or improving their houses of residence shall not be exercised by the incumbent of any benefice augmented under the provisions of the thirdly-recited Act, without the consent of the said commissioners signified under their common seal.

14 Powers of 3 & 4 Vict. c. 113 extended to this Act.

All the powers and authorities vested in her Majesty in council and in the said commissioners by the thirdly-recited Act, with reference to the matters therein contained, and all other the provisions of the same Act relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and apply to her Majesty in council and to the said commissioners, and to all schemes and orders prepared, made, and issued by them respectively, with reference to all matters contained in this Act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein.

15 ^{F11}

Textual Amendments

F11 Ss. 3, 15 repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

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