



CHAPTER lvii.

An Act to authorise the Trustees of the Liverpool Bishopric Endowment Fund to acquire the Advowson of the Vicarage of Walton-on-the-Hill in the county of Lancaster and for other purposes. A.D. 1882.
[19th June 1882.]

WHEREAS by the Walton-on-the-Hill Rectory Act 1843 the hereditaments situate in the parish of Walton-on-the-Hill in the county of Lancaster and specified in the first and second schedules to that Act were vested in and settled on trustees therein mentioned on certain trusts therein declared—as respects the hereditaments described in the first schedule—in favour of the rectors of Walton-on-the-Hill and West Derby and of the vicar of Walton-on-the-Hill—and as respects the hereditaments described in the second schedule—in favour of the said vicar: 6 & 7 Vict.
c. 16. (*Priv.*)

And whereas by the Walton-on-the-Hill Rectory Amendment Act 1877 certain errors of specification in the first schedule of the Walton-on-the-Hill Rectory Act 1843 were corrected and certain pieces of land were vested in the Reverend Richard Leigh then the sole trustee of the last-mentioned Act: 40 & 41 Vict.
c. 2. (*Priv.*)

And whereas since the passing of the Walton-on-the-Hill Rectory Amendment Act 1877 John Stewart and Eleanor Lucy Leigh have been appointed by the Chancery Division of the High Court of Justice to be and they are now together with the said Richard Leigh the trustees of the Walton-on-the-Hill Rectory Act 1843:

And whereas the advowson or right of patronage and presentation to the vicarage and parish church of Walton-on-the-Hill is now vested or reputed to be vested in the said Richard Leigh to the use of him his heirs and assigns for ever:

And whereas Thomas Hornby is the present vicar of the vicarage and parish church of Walton-on-the-Hill:

And whereas the Bishops Act 1878 authorised the foundation by Order in Council of the bishoprics mentioned in the schedule to that Act including a Bishopric of Liverpool and directed the 41 & 42 Vict.
c. 68.

A.D. 1882. — Ecclesiastical Commissioners for England (herein-after called the Ecclesiastical Commissioners) to receive all contributions made by the public for the purposes of the endowment of any bishopric so founded and to carry the amount of such contributions to a fund to be called the endowment fund of the bishopric for which such contribution is made :

And whereas the same Act enacts that the Ecclesiastical Commissioners shall provide out of the endowment fund of a new bishopric a net annual income for the bishop not exceeding four thousand two hundred pounds a year :

And whereas by an Order in Council made under the same Act the Bishopric of Liverpool has been founded and the Right Reverend John Charles Ryle is the bishop thereof :

And whereas subscriptions have been collected from the public for the endowment of the said bishopric and carried to the Liverpool Bishopric Endowment Fund and Thomas Brocklebank Arthur Bower Forwood and Christopher Bushell are the trustees of the Liverpool Bishopric Endowment Fund appointed by the committee of subscribers thereto and the annual value of such fund is now three thousand two hundred pounds or thereabouts :

And whereas the said trustees have entered into an agreement with the said Richard Leigh for the purchase of the advowson of the Vicarage of Walton-on-the-Hill with the view of applying the income arising therefrom after the next avoidance of the said vicarage in raising the income of the Lord Bishop of Liverpool to the statutory maximum of Four thousand two hundred pounds and subject thereto in payment of any surplus to the Ecclesiastical Commissioners to be by them appropriated and disposed of in such manner as they may see fit for the spiritual benefit of the inhabitants of the parish of Walton-on-the-Hill :

And whereas it would be for the benefit of the See of Liverpool and of the inhabitants of the parish of Walton-on-the-Hill if the necessary powers for carrying into effect the said agreement were conferred on the trustees of the Liverpool Bishopric Endowment Fund and the Ecclesiastical Commissioners and other parties interested :

And whereas the rector and vicar of the parish of Walton-on-the-Hill have a joint and co-ordinate cure of souls within the said parish and such joint cure of souls has been found inconvenient and it is expedient to suppress the office of vicar of Walton-on-the-Hill and to vest the sole cure of souls in the parish of Walton-on-the-Hill in the rector of Walton-on-the-Hill as from the date of the next avoidance of the office of vicar :

And whereas it is expedient as from that date to transfer to the rector of Walton-on-the-Hill the surplice fees and burial dues in the parish now vested in the vicar and to transfer to the trustee or trustees for the time being of the Walton-on-the-Hill Rectory Act 1843 the vicarage house garden and premises of Walton-on-the-Hill as from the date of the next avoidance of the office of vicar to be held by him or them on the trusts in this Act mentioned :

A.D. 1882.

And whereas it is expedient to make such provisions respecting the application of the vicarial tithes and of the income of the vicarial glebe of Walton-on-the-Hill and other matters as are in this Act contained :

And whereas the Ecclesiastical Commissioners for England and Wales have consented to a transfer of such an amount of the Liverpool Bishopric Endowment Fund as may be needful for the purposes of this Act :

And whereas the objects aforesaid cannot be attained without the 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 as follows :

1. This Act may be cited as the Walton-on-the Hill Vicarage Act 1882. Short title.

2. Within three months after the passing of this Act if the office of vicar of the vicarage and parish church of Walton-on-the-Hill is then void or within three months after the avoidance thereof next after the passing of this Act the Ecclesiastical Commissioners shall out of the Liverpool Bishopric Endowment Fund pay to the said Richard Leigh his heirs executors administrators or assigns the sum of twenty-eight thousand pounds the purchase money agreed to be paid to him by the said agreement and thereupon the advowson of the said vicarage shall vest in the Ecclesiastical Commissioners.

Providing
for payment
of price of
advowson.

3. From and after such vesting as aforesaid the office of vicar of the vicarage and parish church of Walton-on-the-Hill and all powers duties and obligations attached or belonging thereto or to the vicar of Walton-on-the-Hill in respect of his vicarage shall cease and be extinguished and the rector of Walton-on-the-Hill shall have sole and entire cure of the souls of the inhabitants of the said parish.

Suppression
of office of
vicar of
Walton-on-
the-Hill.

4. From and after such vesting as aforesaid all surplice fees and burial dues arising within the parish of Walton-on-the Hill or

Transfer of
surplice fees
and burial

A.D. 1882. the church of the said parish or such of them as now belong or would on the next avoidance of the office of vicar belong to the vicar of the said parish shall belong and be payable to the rector of the said parish and his successors and shall form part of the emoluments of the rectory.

dues to
rector.

Transfer of
vicarage
house and
garden to
trustee of
6 & 7 Vict.
c. 16. (*Priv.*)

5. From and after such vesting as aforesaid section forty-seven of the Walton-on-the-Hill Rectory Act 1843 shall be repealed as to the vicarage house and premises adjoining or appurtenant thereto and the vicarage house garden and premises now belonging to the vicar of Walton-on-the-Hill in right of his vicarage shall be vested in the trustees or trustee for the time being of the Walton-on-the-Hill Rectory Act 1843 and be held by them or him on the like trusts and with and subject to the like powers of sale and other powers as are therein declared and contained of and concerning the lands and hereditaments comprised in the second schedule to that Act Provided always that the rents issues and profits of the said vicarage house garden and premises or of any hereditaments purchased or of any other investment made with the proceeds of the sale thereof shall be paid in equal shares to the rectors for the time being of the parishes of Walton-on-the-Hill and West Derby and to the Ecclesiastical Commissioners.

Vesting of
vicarage
property in
Ecclesiastical
Commissioners.

6. Subject to the provisions of the last foregoing section from and after such vesting as aforesaid all real and personal estate tithes income and emoluments then belonging to and forming part of the property and income of the Vicarage of Walton-on-the-Hill or receivable by the vicar in right thereof except the said surplice fees and burial dues shall as from the date of the avoidance next preceding such vesting as aforesaid vest in the Ecclesiastical Commissioners.

Application
of income by
Ecclesiastical
Commissioners:

7. The revenues and income transferred to the Ecclesiastical Commissioners by this Act including the income to be received by them as herein-before provided in respect of or arising from the said vicarage house garden and premises shall be applied by them in the first place in payment to the Lord Bishop of Liverpool for the time being of such annual sum as together with his income from all sources under the Bishoprics Act 1878 will give him from time to time an annual income of four thousand two hundred pounds per annum exclusive of an episcopal residence and if and so long as the income of the bishopric amounts to four thousand two hundred pounds per annum then the said Commissioners shall apply the surplus of the said revenues and income for the spiritual benefit of the inhabitants of the parish of Walton-on-the-Hill as they may

think fit Provided that if in any year the income of the said bishop shall be less than four thousand two hundred pounds exclusive of an episcopal residence then the Ecclesiastical Commissioners shall make up the deficiency from the surplus (if any) of the said revenues and income which may have accrued over and above the said annual income of four thousand two hundred pounds in any preceding year or years.

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8. From and after such vesting as aforesaid section forty-nine of the Walton-on-the-Hill Rectory Act 1843 shall be read and have effect as if the Lord Bishop of Liverpool for the time being were therein mentioned instead of every or any succeeding Lord Bishop of Chester.

Bishop of
Liverpool to
be a trustee
of Walton
Rectory
Acts.

9. If the office of vicar of the vicarage and parish church of Walton-on-the-Hill is void at the passing of this Act the said Richard Leigh shall not present thereto until after the end of three months from the passing of this Act and if the said advowson shall not be vested in the Ecclesiastical Commissioners within those three months then at any time after the expiration of those three months the said Richard Leigh his heirs or assigns may present to the said vicarage as if this Act had not been passed and such presentation may be made at any time within nine months after the passing of this Act and if made within those nine months shall be as valid to all intents as if the same had been made within six months after the avoidance of the vicarage.

Provision as
to next pre-
sentation to
vicarage.

10. The Ecclesiastical Commissioners shall from time to time advance out of the Liverpool Bishopric Endowment Fund to the trustees of that fund such sums as are necessary for the purpose of enabling them to carry into effect this Act and the said agreement and to pay the costs charges and expenses incurred by them in obtaining and in the execution of this Act.

Power for
Ecclesias-
tical Com-
missioners to
advance pur-
chase money
to trustees.

11. All costs charges and expenses of and incident to the preparing obtaining and passing of this Act (including the costs if any incurred by the said Richard Leigh in relation thereto) shall be paid by the trustees of the Liverpool Bishopric Endowment Fund out of any moneys for the time being in their hands as such trustees or by the Ecclesiastical Commissioners out of the Liverpool Bishopric Endowment Fund or partly in one way and partly in the other Provided that if the said costs charges and expenses shall be paid by the said trustees the Ecclesiastical Commissioners shall upon the avoidance of the said vicarage repay the same to the said trustees out of the Liverpool Bishopric Endowment Fund.

Costs of Act.

A.D. 1882.

Copy of Act
to be stamped
with ad va-
lorem stamp
duty on
amount paid
for advow-
son.

12. Within three months after such vesting as aforesaid the trustees of the Liverpool Bishopric Endowment Fund shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printer and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the advowson of the said vicarage had been by deed of conveyance and if the said trustees shall not within the said period of three months produce to the said Commissioners such copy of this Act duly stamped as aforesaid the ad valorem stamp duty shall be recoverable from the said trustees with full costs of suit and all costs and charges attending the same.

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Printers to the Queen's most Excellent Majesty. 1882.