



Pluralities Act 1838

1838 CHAPTER 106

LIX Contracts for letting Houses in which any Spiritual Persons required by Bishop to reside to be void. Penalty for holding adverse Possession 40s. for every Day.

And be it enacted, That any Agreement made for the letting of the House of Residence, or the Buildings, Gardens, Orchards, or Appurtenances necessary for the convenient Occupation of the same, belonging to any Benefice, to which House of Residence any Spiritual Person may be required, by Order of the Bishop as aforesaid, to proceed and to reside therein, or which may be assigned or appointed as a Residence to any Curate by the Bishop, shall be made in Writing, and shall contain a Condition for avoiding the same, upon a Copy of such Order, Assignment, or Appointment being served upon the Occupier thereof, or left at the House, and otherwise shall be null and void; and a Copy of every such Order, Assignment, or Appointment shall immediately on the issuing thereof be transmitted to One of the Churchwardens of the Parish, or such other Person as the Bishop shall think fit, and be by him forthwith served on the Occupier of such House of Residence, or left at the same; and any Person continuing to hold any such House of Residence, or any such Building, Garden, Orchard, or Appurtenances, after the Day on which such Spiritual Person shall be directed by such Order to reside in such House of Residence, or which shall be specified in any such Order, Assignment, or Appointment, and after such Copy shall be so served or left as aforesaid, shall forfeit the Sum of Forty Shillings for every Day he shall, without the Permission of the Bishop in Writing under his Hand for that Purpose obtained, wilfully continue to hold any such House, Building, Garden, Orchard, or Appurtenances, together with the Expende of serving or leaving such Order, Assignment, or Appointment, to be allowed by the Bishop issuing the Order or making such Assignment or Appointment; and it shall also be lawful for the Spiritual Person so directed to reside, or the Curate to whom any such Residence is assigned, to apply to any Justice of the Peace having Jurisdiction in the Place for a Warrant for the taking Possession thereof; and the Justice to whom any such Order for such Possession is produced shall and he is hereby required, upon its being duly verified, to grant a Warrant to some Peace Officer to deliver such Possession, and Possession may thereupon be taken of such House under such Warrant at any Time in the Daytime, by entering the same by Force, if necessary, without any other Proceeding by Ejectment or otherwise, any Law or Statute to the contrary notwithstanding ; provided that any Person who shall have been in Possession of any such House of Residence or Premises under a verbal Agreement only, or under

Status: *This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

any Agreement in which the Condition aforesaid for avoiding the same shall not be inserted, and who shall be turned out of Possession by virtue of this Act, shall be entitled to sue the Person with whom he or she had entered into such Agreement for Damages occasioned by his or her being so turned out of Possession, to be recovered in any of Her Majesty's Superior Courts at *Westminster*.