



CHAPTER lxxviii.

An Act for severing the Rectory of Gatcombe from the Office of Principal of St. Edmund Hall in the University of Oxford and for other purposes. A.D. 1913.

[15th August 1913.]

WHEREAS the buildings used and known as St. Edmund Hall in the University of Oxford (hereinafter referred to as "the Hall") have for upwards of three hundred years been vested in the Provost and Scholars of the Queen's College in the University of Oxford (which provost and scholars are hereinafter referred to as "Queen's College") and Queen's College have also for very many years been entitled to nominate and appoint and have nominated and appointed the principal of the Hall when vacancies have occurred in the office of principal but the Hall has been a place of education religion and learning separate from Queen's College:

And whereas by his will dated the fourth day of June one thousand seven hundred and sixty-three the Reverend George Holme Doctor in Divinity late rector of Headley in the county of Southampton deceased gave and bequeathed to the Chancellor Masters and Scholars of the University of Oxford and their successors (hereinafter referred to as "the University") one thousand pounds to be paid to them within one year after his decease in trust to be put to use in the public funds till with the interest it should amount to a sum sufficient to purchase the perpetual advowson of a living of at least two hundred pounds yearly value and such sum being raised his will and desire was that the University should as soon as might be purchase the right of patronage of such living and when it should become vacant present thereunto the then principal of the Hall and in

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And whereas in the year one thousand eight hundred and twenty-one the University purchased out of the moneys bequeathed to them by the said will and the accumulations thereof the advowson of and perpetual right of presentation to the rectory or living of Gatcombe in the Isle of Wight (hereinafter referred to as "the living") which said premises were conveyed to them by indenture dated the first day of October one thousand eight hundred and twenty-one and have ever since been and still are vested in the University upon the trusts declared by the said will:

And whereas in the year one thousand eight hundred and sixty-four Queen's College appointed the Reverend Edward Moore Doctor in Divinity to the office of principal of the Hall and in pursuance of the provisions of the said will the University in the same year presented the said Edward Moore to the living:

And whereas under and by virtue of the powers conferred on them by the Universities of Oxford and Cambridge Act 1877 the University of Oxford Commissioners made a certain statute which was approved by Her late Majesty Queen Victoria in Council on the third day of May one thousand eight hundred and eighty-two entitled "A Statute for the partial union of the Queen's College and St. Edmund Hall" whereby it was provided among other things that the said statute should take effect on the first vacancy in the office of principal of the Hall occurring after the approval of it by Her said Majesty in Council or on the passing of such resolution as was thereafter mentioned that all real and personal property held by the University in trust for the Hall (including the advowson of and right of presentation to the living) should be vested in Queen's College and the same and the income thereof should be held and administered as part of the corporate property and revenue of Queen's College and that the site and buildings of the Hall should be vested in Queen's College in the same manner and for the same purposes as the buildings of Queen's College that the living should cease to be united to the office of principal and the patronage of it should be vested in Queen's College that the principal should be by virtue of his office a tutor of Queen's College and should exercise the offices

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of dean and tutor in the Hall and should also if in priest's orders act as chaplain for the performance of divine service in the chapel of the Hall and that he should reside within the Hall: A.D. 1913.

And whereas the said Edward Moore has held the office of principal of the Hall and also the living ever since his appointment and institution respectively and no such resolution as is mentioned in the said statute has ever been passed and accordingly the said statute has not yet taken effect:

And whereas it has been found expedient not to unite the Hall with Queen's College in the manner and to the extent provided by the said statute made by the said commissioners but to provide for the continuance of the Hall as a place of education religion and learning separate from Queen's College and accordingly by a statute entitled "A Statute for the Queen's College and St. Edmund Hall" being a statute made concurrently by the University and by Queen's College in exercise of the powers conferred by the Universities of Oxford and Cambridge Act 1877 and by way of alteration of the hereinbefore recited statute made by the said commissioners certain provisions were substituted for the provisions of the said commissioners' statute and in particular it was provided (clause 1) that the statute should take effect on the first vacancy in the office of principal occurring after the approval of the statute by His Majesty in Council (clause 3) that all real and personal property held by the University in trust for the Hall including the advowson of and right of presentation to the living should continue to be vested in the University subject to the provisions of that statute upon the trusts applicable to such property at the date of the approval of the said statute and that the site and buildings of the Hall should subject to the same statute continue to be vested in Queen's College in the same manner and for the same purpose in and for which they were then vested in them (clause 6) that the living should cease to be united to but should until the passing of such Act of Parliament as was thereafter mentioned (meaning this Act) be tenable with the office of principal of the Hall and that the University should so long as the advowson of and right of presentation to the living should be vested in them hold the same upon trust if the principal for the time being of the Hall should be a priest in holy orders to present him thereto

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A.D. 1913. (clause 10) that the election to the office of principal of the Hall should be vested in the same persons and be made in the same manner as the election to the provostship of Queen's College (clause 12) that until the passing of an Act of Parliament (meaning this Act) making provision for (a) the vesting of the advowson of and right of presentation to the living in Queen's College absolutely free from any trusts and (b) the creation of a charge upon the income of the living of the annual amount of one hundred and fifty pounds applicable in accordance with the provisions of clause 13 thereof the University should if at any time the office of principal of the Hall should not be held by a person who was a priest in holy orders provide an annual sum of one hundred and fifty pounds payable to the said principal and applicable as aforesaid (clause 13) that if the principal of the Hall should at any time not be a priest in holy orders the annual sum of one hundred and fifty pounds provided by the University or being the amount of the charge created by such Act of Parliament as aforesaid should be paid by the principal to the vice-principal of the Hall and that if the principal should be a priest in holy orders he should after the passing of such Act receive the annual sum of one hundred and fifty pounds being the amount of such charge for his own use and benefit (clause 14) that the principal should exercise the offices of dean and tutor in the Hall and take part in the instruction of its members and if in priest's orders should act as chaplain for the performance of divine service in the chapel of the Hall (clause 15) that he should reside within the Hall for at least seven weeks in each full term and at least twenty-six weeks in each year and (clause 16) that he should from time to time appoint a vice-principal of the Hall such vice-principal to be a priest in holy orders if the principal were not a priest in holy orders and in that case to act as chaplain for the performance of divine service in the chapel of the Hall:

And whereas the last hereinbefore recited statute was approved by His Majesty in Council on the eleventh day of February one thousand nine hundred and thirteen:

And whereas the celebration of divine service and the other parochial duties relating to the cure of souls within the said rectory have for many years past been performed by a curate in charge of the said rectory and under the provisions of the last recited statute it will be impossible for the principal of the Hall to perform such duties in person:

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And whereas it is expedient in order to enable the principal of the Hall adequately to discharge his duties under the said last recited statute and in order to provide for the celebration of divine service and the performance of all other parochial duties within the said rectory of Gatcombe by some person appointed for that purpose with permanence of tenure to sever the living entirely from the office of principal of the Hall and to vest the advowson thereof and right of presentation thereto in Queen's College freed and discharged from any trust and to charge the endowments thereof with an annual sum of one hundred and fifty pounds payable to the principal of the Hall and applicable for the purposes mentioned in such statute:

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And whereas the present annual value of the endowments of the said rectory is four hundred and fifty pounds or thereabouts and the population of the parish does not exceed one hundred and eighty persons or thereabouts:

And whereas the approval of the bishop of the diocese to the creation of the charge created by this Act as hereinafter mentioned has been obtained:

And whereas it is also expedient that certain of the provisions of the said statute entitled "A Statute for the Queen's College and St. Edmund Hall" should be amended as provided by this Act:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 (that is to say):—

1. This Act may be cited as the Oxford University (St. Edmund Hall and Gatcombe Rectory) Act 1913.

Short title.

2. In and for the purposes of this Act—

"The living" means the rectory or living of Gatcombe in the Isle of Wight and the rights and appurtenances belonging thereto;

"The Hall" means St. Edmund Hall in the University of Oxford;

"Queen's College" means the provost and scholars of the Queen's College in the University of Oxford;

Interpretation.

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“The recited will” means the will of the Reverend George Holme deceased recited or referred to in the preamble to this Act;

“The statute of 1882” and “the statute of 1913” mean respectively the statutes approved by Her late Majesty Queen Victoria and His Majesty in Council in those years and recited or referred to in the preamble to this Act.

Commence-
ment of Act.

3. This Act shall commence on and take effect as from the date on which the first vacancy in the office of principal of the Hall shall occur after the passing of this Act and the said date is in this Act referred to as “the commencement of this Act.”

Severing
living from
principalship
of Hall.

4. As from the commencement of this Act the living shall cease to be united to or tenable with the office of principal of the Hall and the advowson of and right of presentation to the living shall by virtue of this Act and without any further or other conveyance or assurance become and be vested in Queen's College for ever freed and discharged from any trust under the recited will or otherwise but subject to the provisions of this Act.

Charging
emoluments
of living
with annual
payment to
principal of
Hall.

5. As from the commencement of this Act the tithes rents profits and emoluments of the living shall by virtue of this Act be charged with payment to the principal of the Hall of the yearly sum of one hundred and fifty pounds which shall be payable by the rector of the living quarterly on the usual quarter days and shall be deemed to accrue from day to day and shall be applicable in manner provided by clause 13 of the statute of 1913.

The first of such quarterly payments shall be made on the first of the said quarter days occurring after the commencement of this Act and shall consist of a proportionate part of the full quarterly sum calculated from the commencement of this Act to the said quarter day.

Remedies for
non-payment
of annual
sum.

6. If and so often as any sum payable in respect of the charge created by this Act to the principal of the Hall shall be in arrear and unpaid for two months after becoming due such principal shall be at liberty by deed under his hand and seal to appoint a receiver for the purpose of enforcing such charge who shall be deemed to be acting as the agent of the rector of

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the living and shall have the powers and be subject to the provisions contained in section 24 of the Conveyancing and Law of Property Act 1881 (other than subsection (1) of that section) or any statutory modification or re-enactment thereof to the same extent and with the same consequences as if the charge on the tithes rents profits and emoluments of the living created by this Act were a mortgage within the meaning of the said enactments of such tithes rents profits and emoluments and the said principal were the mortgagee under such mortgage and as if any sum payable in respect of such charge were interest accruing due in respect of principal money due under such mortgage.

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7. Every provision in the statute of 1913 containing a reference to the passing of such Act of Parliament as therein mentioned shall be construed and take effect as if a reference to the commencement of this Act were substituted for a reference to the passing of such first-mentioned Act.

Amendment
of statute of
1913.

8. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the University.

Costs of Act.

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