



ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. 17.

An Act to enable the Master or Keeper, Fellows, and Scholars of *Jesus College* in the University of *Cambridge* to alter and vary the Mode of dealing with the Benefaction of Doctor *Edmund Proby* and Sir *Thomas Proby*, and to appropriate the same for the Benefit of the said College in erecting and providing Parsonage Houses for Livings belonging to the said College, and in augmenting such Livings, and for other Purposes, including the Repeal of existing Legislative Enactments relating to the said Benefaction.

[15th August 1853.]

WHEREAS *Edmund Proby*, formerly Rector of *Broughton Gifford* in the County of *Wilts*, Doctor in Divinity, made his last Will and Testament in Writing, bearing Date the Sixth Day of *July* One thousand six hundred and seventy-four, and thereby gave to the College of *Jesus* in *Cambridge*, wherein he was
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Will of
Doctor Ed-
mund Proby,
dated 6th
July 1674.

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Codicil
dated 10th
May 1676.

sometime a Student, the Sum of One thousand two hundred Pounds, to be laid out for Land to the settling of Two Fellowships in the House, as therein mentioned; and the One thousand two hundred Pounds was to be paid unto the College by his Executor, to the end aforementioned, within Twelve Months next after his (the Testator's) Decease, if they the College should accept thereof: And whereas the said *Edmund Proby* made a Codicil to his said Will, bearing Date the Tenth Day of *May* One thousand six hundred and seventy-six, therein taking notice that his Will was dated the Sixth Day of *July* One thousand six hundred and seventy-four, by which Codicil, after taking notice of that Part of his Will wherein he had bequeathed to the College of *Jesus* in *Cambridge* (meaning thereby *Jesus College* in *Cambridge*,) the Sum of One thousand two hundred Pounds, as a competent Maintenance for Two Fellows, for which Purpose the said One thousand two hundred Pounds was to be paid to the said College, to be by them laid out in the Purchase and Settlement of Lands, which he doubted might not so conveniently be effected by them, he, the said Testator *Edmund Proby*, did will, order, and direct that the said One thousand two hundred Pounds should be laid out by his Executor, either in the Purchase of Land or of some impropriate Rectory or Tithes, which should be by him estated and settled upon the said College, to continue for ever for the Uses and Purposes therein-before mentioned and therein-after expressed, and in case the Premises so intended to be purchased might not conveniently or not without extraordinary Charge (which he left to the Judgment of his Executor to determine) be legally settled upon the said College, then he willed the same should be settled upon his Heirs-at-Law, together with the President and Two or more of the Fellows of the said College for the Time being; and upon the Decease of the major Number of them, to be transferred from Time to Time to others of them, and their Heirs, upon trust that the whole Rents and Profits thereof (such necessary Charges as should be expended about the Execution of the Trust being first deducted) should be applied and disposed from Time to Time for ever for (amongst other Purposes) the buying in Advowsons of Rectories and Vicarages, and settling the same in such legal Manner as that the same might be presented unto and disposed from Time to Time for ever by the said College; and the said Testator did thereby revoke such Part and Parts of his said Will as was (if any Part thereof should be) contrary to or inconsistent with the Matters and Things in that present Codicil declared: And whereas the said *Edmund Proby*, soon after making the said Codicil, departed this Life without varying, revoking, or altering the same or his said Will (except as in the said Codicil is mentioned); and the said *Sir Thomas Proby* duly proved the said Will and Codicil
in

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in the Prerogative Court of the Archbishop of *Canterbury*, and took upon himself the Execution thereof: And whereas in the Year One thousand six hundred and eighty-seven *William Saywell* Doctor in Divinity, the then Master of *Jesus College*, and the said *Sir Thomas Proby* did purchase the Rectory impropriate and Parsonage of *Hundon* otherwise *Hondon* otherwise *Honidon*, mentioned to have been then late belonging to the College of *Stoke nigh Clare* in the County of *Suffolk*, and the Advowson of the Vicarage of the Parish Church nigh *Hundon* and a Messuage, Farm, Glebe Lands, and other Freehold and Copyhold Lands, Tithes, Tenements, Hereditaments, and Premises, for the Sum or Price of Two thousand one hundred Pounds, and the same were, by proper Conveyances and Assurances in the Law, conveyed and assured unto and to the Use of the said *Sir Thomas Proby* and *William Saywell*, and their Heirs, subject to a Fee-farm Rent of Ten Pounds thereby reserved and payable in manner therein mentioned, of which Purchase Money One thousand two hundred Pounds was paid by the said *Sir Thomas Proby*, Executor of the said *Edmund Proby*, being so much devised by the said *Edmund Proby* in his Will and Codicil aforesaid for the Purposes therein and herein-before mentioned; and Three hundred Pounds, other Part thereof, was some Time afterwards advanced and paid by the said *Sir Thomas Proby*, to the end the same should be employed for the like charitable Uses to which the said One thousand two hundred Pounds had been employed, according to the said *Edmund Proby's* Will; and by Indentures of Lease and Release, bearing Date respectively the Second and Third Days of *August* One thousand six hundred and ninety-seven, the said *William Saywell* (who survived the said *Sir Thomas Proby*) did, for settling the Premises under the Care of a competent Number of Members of the said College, grant and convey the said Rectory, Advowson, Lands, Tithes, Tenements, Hereditaments, and Premises unto and to the Use of *William Cooke*, *Richard Salter*, *William Hussey*, *William Pashly*, *John Bagnall*, and *John Skelton*, and their Heirs, upon trust to pay and dispose of Two Parts (the whole into Twenty-one Parts to be divided) of the Rents and Profits of the said Rectory, Tithes, Lands, and Hereditaments to certain charitable Purposes therein mentioned, and afterwards to pay and dispose of Twelve Parts (of the remaining Nineteen Parts) of the Rents and Profits of the said Rectory, Tithes, Lands, and Hereditaments upon the several Trusts agreed upon and declared in and by One Indenture, bearing Date the Twentieth Day of *February* One thousand six hundred and eighty-seven, therein mentioned and recited, for the Performance of the before-mentioned Charity or religious Design and Purpose devised by the last Will of the said *Edmund Proby*, or by some Codicil annexed.

Indentures
dated 2d and
3d Aug.
1697.

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annexed thereunto, in such Manner as in the said last-mentioned Indenture is fully declared and expressed, and as to Seven Parts (Residue of the said Nineteen Parts) of the Rents, Issues, and Profits of the said Premises, in trust that the said Trustees should employ and dispose of Three of the said Seven Parts thereof upon and for the same Uses, Intents, and Purposes as the said Twelve Parts of the said Nineteen Parts of the said Rents and Profits were by the last before-mentioned Indenture declared and agreed to be disposed and employed in pursuance of the Charity appointed to be performed by the said *Edmund Proby's* Will: And whereas at the Death of the said *Edmund Proby* the Master or Keeper, Fellows, and Scholars of the College of the Blessed Virgin *Mary, Saint John the Evangelist,* and the Glorious Virgin *Saint Rhadegund,* commonly called *Jesus College,* in the University of *Cambridge,* were seised to them and their Successors in right of the said College of the perpetual Advowsons and Rights of Presentation in and to Two Rectories and Nine Vicarages, (that is to say,) the Rectories of *Harlton* and of *Graveley* in the County of *Cambridge,* the Vicarage of *Elmstead* in the County of *Essex,* and the Vicarages of *Swavesey, Whittlesford, Guilden-Morden, Hinxton, Comberton,* and *Fordham,* all in the said County of *Cambridge,* and the Vicarages of *All Saints* and of *Saint Clements,* both in the Town of *Cambridge*: And whereas in pursuance of the Will and Codicil of the said *Edmund Proby,* and by and with the Rents, Issues, and Profits arising from the said Fifteen Parts of the said Rectory, Lands, and Hereditaments comprised in the said Indentures of Lease and Release of the Second and Third Days of *August* One thousand six hundred and ninety-seven, the said Master, Fellows, and Scholars of the said College did, before the Commencement of the Act of the Ninth Year of the Reign of King *George* the

9 G. 2. c. 36. Second, intituled *An Act to restrain the Disposition of Lands, whereby the same become unalienable,* purchase Four perpetual Advowsons or Rights of Presentation to Livings, of such yearly Values or at such Distances from the said University respectively as to vacate the Fellowships of such Fellows of the said College as thitherto had been or thereafter should be presented thereunto, and which, with the Eleven Advowsons whereof the said Master, Fellows, and Scholars were previously seised as aforesaid, make together Fifteen Advowsons belonging to them in right of the said College, exclusive of the

3 G. 3. c. 36. Vicarage of *Hundon* aforesaid: And whereas an Act was passed in the Third Year of the Reign of His Majesty King *George* the Third, to enable the Master, Fellows, and Scholars of *Jesus College* aforesaid to alter and vary the Benefaction of the said Doctor *Edmund Proby* and Sir *Thomas Proby,* and to appropriate the same for the Benefit of the said College in the Augmentation of several small

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small Rectories and Vicarages: And whereas under the Provisions of the said last-mentioned Act, and by the Purchase and Conveyance of Lands in the Manner therein prescribed, and previously to the passing of the Act herein-after recited, the said Rectories of *Harlton* and *Graveley* and Vicarage of *Elmstead* were respectively augmented to the annual Value of Two hundred Pounds each, and the said Vicarage of *Swavesey* was augmented to the annual Value of One hundred and seventy Pounds; and under the Provisions of the same Act, the said Rectories of *Harlton* and *Graveley* and Vicarages of *Elmstead* and *Swavesey* respectively, when so respectively augmented as aforesaid, vacated within Twelve Months after Presentation and Institution the Fellowships of the Fellows of the said College presented thereto respectively: And whereas by an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to repeal an Act passed in the Third Year of the Reign of His Majesty King George the Third, to enable the Master, Fellows, and Scholars of Jesus College in the University of Cambridge to alter and vary the Benefaction of Doctor Edmund Proby and Sir Thomas Proby, and to appropriate the same for the Benefit of the said College in the Augmentation of several small Rectories and Vicarages, and further to appropriate the said Benefaction*, the herein-before mentioned Act of the Third Year of the Reign of King *George* the Third (except so much thereof as provided for the Avoidance of the Fellowships of the Fellows to be presented to the respective Rectories and Vicarages of *Harlton* and *Graveley* and *Elmstead*) was repealed; and it was by the Act now in recital enacted, that it should be lawful for the said Master, Fellows, and Scholars of the said College called *Jesus College*, and their Successors, to apply a certain Sum of Six hundred and thirty-two Pounds Twelve Shillings and Fourpence Cash, whereof they were possessed upon the Trusts of the said thereby repealed Act, or so much thereof as should be required for that Purpose, in the Payment of the Costs, Charges, and Expenses of or in anywise attending the passing of the said Act now in recital, and from and after such Payment as aforesaid to lay out and invest the Residue (if any) of the said Sum of Six hundred and thirty-two Pounds Twelve Shillings and Fourpence, and also the Dividends, Interest, and annual Produce from Time to Time to become payable in respect of a certain Sum of Two hundred and thirty-two Pounds Eighteen Shillings Three Pounds *per Centum* Consolidated Bank Annuities, of which the said Master, Fellows, and Scholars were also possessed upon the Trusts of the said repealed Act, and also a certain annual Sum of Twenty-five Pounds Twelve Shillings, being the Land Tax of the said Rectory, Lands, and Hereditaments at *Hundon* aforesaid,

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and

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and which Land Tax had been purchased out of the Trust Monies in the Hands of the said Master, Fellows, and Scholars as and when the same respectively should be received, and also, from and after the Vacancy of each of the said respective Vicarages of *Swavesey, Guilden-Morden, Hinxton, Whittlesford, Comberton, Saint Clements,* and *All Saints* to occur next after the passing of the Act now in recital, so much of the clear Rents, Issues, and Profits which should from Time to Time be collected and received from the said Fifteen Parts of the said Improprate Rectory of *Hundon* and the said Messuage, Farm, Glebe Lands, and other Lands, Tithes, Hereditaments, and Trust Estate as in pursuance of the Provisions of the said repealed Act had theretofore been appropriated to such Vicarage respectively, in the Purchase of a competent Share or competent Shares of the Parliamentary Stocks or Public Funds in *England*, or at Interest, or upon Government or Real Securities in *England* or *Wales*, and in like manner to lay out and invest the Interest, Dividends, and annual Produce from Time to Time to become due and payable in respect of the Investments therein-before provided for in or upon the same, or the like Stocks, Funds, or Securities, and so to continue receiving and investing, to the Intent that the same Interest, Dividends, and annual Produce, Land Tax, Rents, Issues, and Profits might accumulate at Compound Interest; and by the said Act now in recital, the said Master, Fellows, and Scholars were empowered by and out of such Accumulations as aforesaid to augment, by the Purchase of Lands so soon as convenient Purchases could be found, first, the said Vicarage of *Swavesey*, to the annual Value of Four hundred Pounds exclusive of Surplice Fees, and then in succession the said Vicarages of *Guilden-Morden, Hinxton, Whittlesford,* and *Comberton* to the respective annual Values of Three hundred and fifty Pounds exclusive of Surplice Fees, and then the said Vicarage of *Saint Clements*, to an annual Value equal to that of the said Vicarage of *All Saints*, and after the said last-mentioned Augmentation to grant by and out of such Accumulations the Sum of Five hundred Pounds in succession to the Vicars of the said respective Vicarages of *Swavesey, Guilden-Morden, Whittlesford,* and *Comberton*, towards the Erection of Parsonage Houses within such Vicarages respectively, and afterwards in the Manner therein-before prescribed further to augment the said Vicarage of *Swavesey* to the annual Value of Four hundred and fifty Pounds exclusive of Surplice Fees, and then in succession the said Vicarages of *Guilden-Morden, Hinxton, Whittlesford,* and *Comberton*, to the respective annual Values of Four hundred Pounds exclusive of Surplice Fees; and in the same Act are contained Provisions for vacating the Fellowships of such Fellows of the said College as should hold or be presented to

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to the said Vicarage of *Swavesey* after the Augmentation thereof to the annual Value of Four hundred Pounds, or to any of the said Vicarages of *Guilden-Morden*, *Hinxton*, *Whittlesford*, and *Comberton*, after the Augmentation thereof respectively to the annual Value of Three hundred and fifty Pounds: And whereas the said Master, Fellows, and Scholars have not been able to find such convenient Purchases of Lands as mentioned in the lastly herein-before recited Act, for the Augmentation of the Livings therein specified, but they have ever since the passing of such Act continued to pay out of the annual Sum, Rents, Issues, and Profits thereby directed to be invested as aforesaid, to the Vicar for the Time being of the said Vicarage of *Swavesey*, by way of Augmentation of that Vicarage, such a yearly Sum as raised the Income of the same Vicarage to the annual Sum of Four hundred Pounds, and to the Vicar for the Time being of the said Vicarage of *Guilden-Morden*, by way of Augmentation of that Vicarage, such a yearly Sum as raised the Income of the same last-mentioned Vicarage to the annual Sum of Three hundred and fifty Pounds, and in consequence of such Augmentation of the said Vicarage of *Swavesey*, such Vicarage has rendered vacant or been held to render vacant within Twelve Months after Presentation the Fellowship of the Fellow of the said College presented thereto: And whereas, since the passing of the lastly herein-before recited Act, the said Master, Fellows, and Scholars have, in pursuance of the said Power in that Behalf therein contained, accumulated the said therein mentioned Trust Monies and Land Tax, and so much of the said therein mentioned Rents, Issues, and Profits as became subject to the said Power, (except the yearly Sums paid to the respective Vicars of the Vicarages of *Swavesey* and *Guilden-Morden* as aforesaid,) but they have not yet, for the Reason herein-before stated, applied any Part of the said Accumulations in the Purchase of Lands for the Augmentation of any of the said Vicarages thereby authorized or directed to be augmented as aforesaid, and the Fund which has been so accumulated under the Provisions, and is applicable for the Purposes, of the lastly herein-before recited Act consists of the Sum of Seven thousand one hundred and twenty-two Pounds Eight Shillings or thereabouts Consolidated Three Pounds *per Centum* Bank Annuities: And whereas such only of the said Livings the Advowsons of which belong to the said Master, Fellows, and Scholars in right of the said College as are herein-after mentioned, (that is to say,) the said Vicarages of *Whittlesford*, *Hinxton*, *Comberton*, *All Saints*, and *Saint Clements*, are at present tenable with Fellowships of the said College: And whereas the Provisions of the lastly herein-before recited Act are likely to prove inefficient so far as relates to the Purpose of securing a due Succession

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cession of Fellows in the said College, by the Vacation of Fellowships on the Presentation of Fellows to Livings by the said College, pursuant to the Intention and true Meaning of the said Testator *Edmund Proby* and the said Sir *Thomas Proby*, inasmuch as the Livings by such Act authorized or directed to be augmented as aforesaid will not probably, even when so augmented, be of sufficient Value to induce Fellows of the said College to accept the same and vacate their Fellowships thereupon, owing partly to the Statutory Provisions now in force relating to Benefices having no fit Houses of Residence therein: And whereas it will be for the Benefit of the said College, and will tend to the Promotion of Learning and to the providing a better Supply of fit and competent resident Parochial Ministers for the several Country Parishes of the Livings in which the said Master, Fellows, and Scholars are Patrons, if an Increase were made in the annual Value, not only of the several Vicarages by the lastly herein-before recited Act authorized or directed to be augmented as aforesaid, but also of the other Livings belonging to the said Master, Fellows, and Scholars: And whereas, inasmuch as the Augmentation authorized or directed by the lastly herein-before recited Act of the Livings therein mentioned, which has Priority over the Provisions therein contained relative to the Erection of such Parsonage Houses as therein also mentioned, could not be effected for many Years, the Execution of such Provisions relative to the Erection of Parsonage Houses would necessarily be postponed for a very long Period; and it is essential for the moral well-being of the Population to make Provision for the more speedy Erection of Parsonage Houses for such Incumbents of the College Livings as may require them: And whereas it might be difficult or impossible to purchase Lands for the Augmentation of any of the said Livings of any precise annual Value (neither more nor less) specified with reference to each Living: And whereas, for the Reasons herein-before mentioned, it is desirable that the Provisions contained in the lastly herein-before recited Act should be altered, but the Purposes aforesaid cannot be effected without the Aid of Parliament: Therefore Your Majesty's most dutiful and loyal Subjects, the Master or Keeper, Fellows, and Scholars of the College of the Blessed Virgin *Mary, Saint John the Evangelist*, and the Glorious Virgin *Saint Rhadegund* (commonly called *Jesus College*) in the University' of *Cambridge* do most humbly beseech Your Majesty, that it 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 the present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "*Jesus College, Proby Trust, Act, 1853.*"

II. That

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II. That in this Act, and so far as relates to the Construction of the same, the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpreta-
tion of
Terms.

The Expression "the said College" shall mean the said College of the Blessed Virgin *Mary*, *Saint John the Evangelist*, and the Glorious Virgin *Saint Rhadegund* (commonly called *Jesus College*) in the University of *Cambridge*; and the Expression "the said Master, Fellows, and Scholars," shall mean the Master or Keeper, Fellows, and Scholars of the said College and their Successors:

The Word "Lands" shall include Messuages, Lands, Tenements, Tithes, Tithe Commutation Rentcharges, and other Hereditaments.

III. That from and after the passing of this Act the said recited Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth shall, except as to any Act, Deed, Matter, or Thing whatsoever previously to the passing of this Act done or executed under or by virtue of such Act of the Second Year of King *William* the Fourth, and also such Part of the said Act of the Third Year of King *George* the Third (being the said Part thereof which provided for the Avoidance of Fellowships of Fellows of the said College to be presented to the respective Rectories of *Harlton* and *Graveley* and Vicarage of *Elmstead*) as was not repealed by the said Act of the Second Year of King *William* the Fourth, shall be and the same are hereby repealed.

Recited
Acts,
2 & 3 W. 4.
c. 43. and
3 G. 3. c. 36.
repealed.

IV. That from and after the passing of this Act, whenever any Fellow of the said College shall be presented and instituted to either of the said Rectories of *Harlton* and *Graveley*, or to the said Vicarages of *Elmstead* and *Swavesey*, the Fellowship of such Fellow shall, within Twelve Calendar Months next after such Presentation and Institution, be and is hereby declared to be vacated.

Acceptance
of Livings of
Harlton,
Graveley,
and
Swavesey to
vacate Fel-
lowships.

V. That the Payments which have been made by the said Master, Fellows, and Scholars by way of such Augmentation of the respective Vicarages of *Swavesey* and *Guilden-Morden* respectively, as hereinbefore mentioned, are hereby confirmed; and that the said Master, Fellows, and Scholars shall continue to pay to the respective Vicars for the Time being of the said Vicarages of *Swavesey* and *Guilden-Morden*, either out of the annual Sum, Rents, Issues, and Profits herein-after directed to be invested, or out of the Dividends and

Annual Pay-
ments to be
made for
Augmenta-
tion of the
Vicarages of
Swavesey.
and *Guilden-
Morden*.

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annual Income of the *Proby* Trust Fund herein-after mentioned, such respective yearly Sums as shall raise the respective Incomes of the said Vicarages of *Swavesey* and *Guilden-Morden* to the annual Sums of Four hundred Pounds and Three hundred and fifty Pounds respectively, by way of Augmentation of such Vicarages, until the same Vicarages respectively shall be otherwise augmented, as herein-after mentioned.

Power to
accumulate
Trust
Monies,
Land Tax,
and Rents.

VI. That from and after the passing of this Act it shall be lawful for the said Master, Fellows, and Scholars to sell a competent Part of the said Sum of Seven thousand one hundred and twenty-two Pounds Eight Shillings or thereabouts Consolidated Three Pounds *per Centum* Bank Annuities, (being the Accumulations aforesaid,) and apply the Proceeds of such Sale in Payment of the Costs, Charges, and Expenses of or in anywise attending the applying for, preparing, and obtaining this Act, (and to lay out and invest the Dividends, Interest, and annual Produce of the Residue of the said Sum of Seven thousand one hundred and twenty-two Pounds Eight Shillings Bank Annuities, or of any Part thereof which shall not for the Time being have been disposed of and applied for any of the Purposes herein-after mentioned,) and also the said annual Sum of Twenty-five Pounds Twelve Shillings, the Land Tax aforesaid, as and when the same shall be received, and also the clear Rents, Issues, and Profits which shall from Time to Time be collected and received from the said Fifteen Parts of the said Improprate Rectory of *Hundon* and the aforesaid Messuage, Farm, Glebe Lands, and other Lands, Tithes, Hereditaments, and Trust Estate herein-before mentioned, (but subject and without Prejudice to such Payments to be made to the respective Vicars of the Vicarages of *Swavesey* and *Guilden-Morden* as herein-before mentioned, and so also that as to every such Vicarage to which under or by virtue of the Provisions of the said recited Acts of the Third Year of the Reign of His Majesty King *George* the Third and of the Second Year of the Reign of His Majesty King *William* the Fourth, or either of such Acts, any Part of the said Rents, Issues, and Profits has hitherto been appropriated as may not have fallen vacant since the passing of the last-mentioned Act, such Appropriation shall continue until the Vacancy in such Vicarage which shall occur next after the passing of this Act,) in the Parliamentary Stocks or Public Funds of *Great Britain*, or at Interest upon Government or Real Securities in *England* or *Wales*; and in like Manner to lay out and invest the Dividends, Interest, and annual Produce from Time to Time to become due and payable in respect of the Investments herein-before provided for, or of such Part thereof as shall not be applied as herein-after mentioned, in or upon the same or the like
Stocks,

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Stocks, Funds, or Securities, and so to continue receiving and investing; to the Intent that the same Dividends, Interest, and annual Produce, Land Tax, Rents, Issues, and Profits, may accumulate at Compound Interest, and which accumulated Fund, including the original Sum or Stock for which the Accumulations shall arise, is intended to be herein-after referred to as the "*Proby Trust Fund*;" and it shall be lawful for the said Master, Fellows, and Scholars from Time to Time to alter or vary all or any of the Stocks, Funds, or Securities; of which the said *Proby Trust Fund* shall for the Time being consist, for or into other Stocks, Funds, or Securities of the Nature aforesaid.

VII. That it shall be lawful for the said Master, Fellows, and Scholars at any Time or Times to grant and apply a competent Part of the said *Proby Trust Fund* for or towards the building (according to a Plan to be approved of in each Case by the said Master, Fellows, and Scholars) or purchasing a fit Parsonage House, or the rebuilding or repairing (when the said Master, Fellows, and Scholars shall deem that necessary) the existing Parsonage House (if any) within each or any of the herein-after mentioned Benefices now belonging to the said Master, Fellows, and Scholars; to wit, the said Vicarages of *Swavesey*, of *Whittlesford*, of *Guilden-Morden*, of *Hinxton*, of *Comberton* and of *Fordham*, all in the County of *Cambridge*, and of *Saint Clements* in the Town of *Cambridge*, in such Order of Succession and in such Manner as the said Master, Fellows, and Scholars may deem expedient, but so nevertheless that not a greater Sum than One thousand Pounds shall be so granted and applied for any One Benefice.

Power to apply a Part of Fund for building, &c. Parsonage Houses in the College Livings.

VIII. That either before such Grants for building or purchasing, rebuilding or repairing Parsonage Houses as herein-before mentioned, or after all or any One or more of such Grants, it shall be lawful for the said Master, Fellows, and Scholars, as and when from Time to Time they shall possess a sufficient Amount of the said *Proby Trust Fund* for the Purpose, with and out of the said Fund to augment, in such Order and Manner as the said Master, Fellows, and Scholars may deem expedient, to an annual Value not exceeding the clear annual Value of Five hundred Pounds (exclusive of Surplice Fees) for each Benefice, all or any of the said Benefices now belonging to the said College as aforesaid, and to make such Augmentation, as to each Benefice, either at One Time or by Degrees, and in either of the Modes herein-after specified, (that is to say,) by setting apart and appropriating, by means of a Deed or Deeds under the Common Seal of the said College, any Part or Parts of the said *Proby Trust Fund*,

Power to augment the Livings of the College.

or

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or by laying out and investing any Part or Parts of such Fund, or of the Proceeds to arise from the Conversion thereof or of any Part thereof, in One or more Purchase or Purchases of Freehold or Copyhold Lands of Inheritance in *England*, and causing or procuring such Lands to be conveyed, surrendered, and assured, in such Manner as Counsel learned in the Law shall advise, unto and to the Use of the Vicar or Rector (as the Case may be) for the Time being of the Vicarage or Rectory so augmented, and his Successors, Vicars or Rectors (as the Case may be), for a perpetual Augmentation of such Vicarage or Rectory; and after partially augmenting any Benefice or Benefices, it shall be lawful for the said Master, Fellows, and Scholars, if they shall think proper, to proceed to the Augmentation, either partial or final, of any other Benefice or Benefices, and so *toties quoties*, each Augmentation, whether partial or final, of each Benefice being made at the Discretion of the Master, Fellows, and Scholars as to Time and Order, and without reference to the Augmentation of any other Benefice or Benefices; and it shall be lawful for the said Master, Fellows, and Scholars, with and out of the said Trust Fund, to pay and discharge the Costs, Charges, and Expenses of all such Deeds of Appropriation, Conveyances, Surrenders, or Assurances as shall be necessary or deemed advisable for effecting the several Augmentations aforesaid, or otherwise attending such Augmentation respectively: Provided always, that in any Augmentation of a Benefice or Grant for a Parsonage House made during the respective Incumbencies of the present Vicars of the respective Vicarages of *Hinxton*, *Whittlesford*, and *Comberton*, the following Order of Succession shall be observed, unless, as regards any Postponement of the said Vicarage of *Hinxton* to any other or others of the Livings of the said College, the Consent in Writing of such present Vicar of *Hinxton*, and as regards any Postponement of the said Vicarage of *Whittlesford* to any other or others of the Livings of the said College, the Consent in Writing of such present Vicar of *Whittlesford*, and as regards any Postponement of the said Vicarage of *Comberton* to any other or others of the Livings of the said College, the Consent in Writing of such present Vicar of *Comberton*, shall be respectively obtained for such Postponement, in which Case the said Master, Fellows, and Scholars may adopt any different Order of Succession in the Augmentation of any Benefice belonging to the said College, or Grant for a Parsonage House on such Benefice; (that is to say,) first, the Vicarage of *Swavesey* shall be augmented to the annual Value of Four hundred Pounds (exclusive of Surplice Fees), and then in succession the said Vicarages of *Guilden-Morden*, *Hinxton*, *Whittlesford*, and *Comberton* shall be augmented to the respective annual Values of Three hundred and fifty Pounds (exclusive of Surplice Fees),

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Fees), and afterwards the Sum of Five hundred Pounds shall be granted in succession to the Vicars of the said respective Vicarages of *Whittlesford* and *Comberton* towards the Erection of Parsonage Houses within such Vicarages respectively.

IX. That from and after the Accomplishment of the several Purposes for which Provision is herein-before made it shall be lawful for the said Master, Fellows, and Scholars thenceforth for ever to apply and dispose of the annual Income of the said *Proby* Estate, and the said annual Amount of Land Tax, and the said *Proby* Trust Fund, and all Accumulations thereof respectively, in the Purchase of Advowsons of Rectories and Vicarages for the Benefit of the said College, and for vacating the Fellowships of the Fellows of the said College to be from Time to Time presented thereto respectively, according to the Will and Direction of the said Doctor *Edmund Proby* and Sir *Thomas Proby*.

That after the above Purposes are accomplished, the Income of the *Proby* Estate shall be applied in the Purchase of Advowsons.

X. That the Fellowship of every Fellow of the said College who shall hold or be presented and instituted to any of the said Vicarages of *Whittlesford*, *Guilden-Morden*, *Hinxton*, *Comberton*, *All Saints*, and *Saint Clements*, which shall have been respectively augmented as aforesaid to the annual Value of Three hundred and fifty Pounds, (not having been presented and instituted previously to the passing of this Act,) and also the Fellowship of every Fellow of the said College who shall be presented and instituted to any of the Rectories or Vicarages to be purchased under the Power herein-before contained, shall, within Twelve Calendar Months next after such Augmentation or Presentation and Institution (as the Case may be), be and the same is hereby declared to be absolutely vacated, to the End and Intent that there may be a perpetual Succession of Fellows to the said Fellowships upon every Avoidance of such Vicarages or Rectories respectively.

Fellowships shall become Vacant within Twelve Months after certain Livings held with such Fellowships shall have been augmented, or after Presentation to such augmented Livings, &c.

XI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person and Persons, Bodies Politic or Corporate, his, her and their Heirs, Successors, Executors, and Administrators, (other than and except the said Master, Fellows, and Scholars of the said College,) all such Estates, Rights, Titles, Interest, Claims, and Demands whatsoever of, in, to, or out of the said Rectory, Advowson, Tithes, Freehold or Copyhold Lands, Tenements, Hereditaments, and Premises, or Personal Estate and Effects, whereof the said Master, Fellows, and Scholars, or any Person or Persons in trust for them, are or is seised or possessed as aforesaid, as they, every, or any of them had before the passing of this

General Saving.

[*Private.*]

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Act,

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Act, or could or might have held or enjoyed in case this Act had not been passed.

Act as
printed by
the Queen's
Printers to
be Evidence.

XII. That this Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.