



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. 3.*

An Act for authorizing the Dean and Chapter of *Hereford* to raise Money for the Repair of the Cathedral Church of *Hereford*.

[27th July 1857.]

**W**HEREAS an Act was passed in the Thirty-second Year of George the Third, intituled *An Act to enable the Dean and Chapter of Hereford to rebuild the West End of the Cathedral Church of Hereford, and to repair other Parts of it*: And whereas an Act was passed in the Fifty-ninth Year of George the Third, intituled *An Act to enable the Dean and Chapter of Hereford to discharge certain Debts incurred in repairing the Cathedral Church of Hereford*: And whereas the Amount produced by the Sale of Seven thousand seven hundred and ninety-nine Pounds Six Shillings and One Penny Consols, mentioned in the last-recited Act, was duly applied in part Discharge of the several Debts specified in the Schedule to the same Act: And whereas, notwithstanding a Sum exceeding Twenty-six thousand Pounds, raised partly by Contributions from the Dean and Chapter and other Members of the Cathedral Body, and partly by very liberal Contribution from the Public at large, has within the last Fifteen Years been expended on Repairs of the said Cathedral Church, it is now so much out of repair as to require a

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further

*Hereford Cathedral Restoration Act, 1857.*

further Expenditure of at least Thirteen thousand Pounds to put it in good Repair, according to the Estimate of *George Gilbert Scott* Architect: And whereas the Rectorial Mansion and Glebe Lands and Tithe Rentcharges in the Parish of *Shinfield* in the Counties of *Berks* and *Wilts* are Part of the Possessions of the Dean and Chapter, and are called the Fabric Estates, and the Rents and Profits thereof from Time immemorial have been appropriated and applied solely to and for the Repairs and Sustentation of the Cathedral Church: And whereas the Fabric Estates have been demised by the Dean and Chapter to *Alexander Cobham Cobham* Esquire, by an Indenture of Lease, dated the Fourteenth Day of *November* One thousand eight hundred and thirty-nine, for a Term which will expire on the Eighth Day of *November* One thousand eight hundred and sixty, at yearly Rents amounting together to Five hundred and sixty-eight Pounds One Shilling and Tenpence: And whereas it is estimated that on the Expiration of the Lease the net Income from the Fabric Estates will be at least Eight hundred Pounds: And whereas there is not now any Incumbrance save the Lease on the Fabric Estates: And whereas the Dean and Chapter, with the Approval of the Church Estates Commissioners, in accordance with the Act of the Session of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter One hundred and four, for facilitating the Management and Improvement of Episcopal and Capitular Estates in *England*, are in Treaty with their Lessee for the Sale to him of the Reversion in Fee of the Rectorial Mansion and Glebe Lands forming Part of the Fabric Estates, and, if so sold, the Purchase Money for the same will have to be invested according to that Act, and would be held upon like Trusts as the unsold Parts of the Fabric Estates: And whereas there are now in the Hands of the Church Estates Commissioners, and invested in the Name of the Accountant General of the High Court of Chancery, respectively the several Sums specified in the Schedule to this Act annexed, and which were produced by the Enfranchisement or Sale of Copyholds and Leaseholds belonging to the Dean and Chapter: And whereas the yearly Rents and Profits of the Fabric Estates are insufficient for the Repairs now required for the Cathedral Church, and if the Repairs now requisite were postponed until they could be effected by means of those yearly Rents and Profits much Injury would accrue to the Cathedral Church, and it is therefore expedient that the Dean and Chapter be authorized to raise by Mortgage of the Fabric Estates a Sum not exceeding Thirteen thousand Pounds, to be applied by them for the Repairs of the Cathedral Church: And whereas it is expedient that Provision be made for advancing on such Security the several Sums specified in the Schedule hereto: And whereas the Objects 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

*Hereford Cathedral Restoration Act, 1857.*

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 :

I. This Act may be cited for all Purposes as "*Hereford Cathedral Restoration Act, 1857.*" Short Title.

II. The Dean and Chapter from Time to Time may borrow at Interest any Sums not exceeding in the whole Thirteen thousand Pounds, and as a Security for the Repayment of the Money so borrowed, with the Interest thereon, but without Prejudice to any Contract for the Sale of any Part of the Fabric Estates entered into before the effecting of the Security, may by Deed under their Common Seal demise the Fabric Estates, or any Parts thereof, to the Persons who advance the same, or their respective Nominees, for any Term not exceeding Ninety-nine Years by way of Mortgage without Power of Sale, but subject to Redemption on Payment on the Days and in manner expressed in the Mortgage Deeds respectively of the Money so borrowed, with Interest, and may thereby covenant for themselves and their Successors for Repayment of the Money so borrowed, with the Interest thereon; and every such Mortgage Deed shall bind the present and every successive Dean and Chapter, any Law, Statute, or local Constitution to the contrary thereof notwithstanding. Power to Dean and Chapter to borrow Money on Mortgage of Fabric Estates.

III. The Church Estates Commissioners from Time to Time may advance on the Security of any Mortgage under this Act any of the Moneys specified in Part One of the Schedule, and any Moneys produced by the Sale or Enfranchisement of any Part of the Fabric or other Estates of the said Dean and Chapter. Power to Church Estates Commissioners to make Advances to Dean and Chapter.

IV. The Court of Chancery from Time to Time by Order, on Petition or Motion by the Dean and Chapter in a summary Way, may order the several Sums specified in Part Two of the Schedule to be sold by the Accountant General of the Court of Chancery, and the net Moneys produced by such Sales to be advanced on the Security of any Mortgage under this Act. Court of Chancery may order Advances to the Dean and Chapter.

V. The Powers of the Dean and Chapter for borrowing under this Act shall not be exercised after the Expiration of Seven Years after the passing of this Act. Period for exercising Powers of borrowing.

VI. The Receipt of the Dean and Chapter or their Clerk or Registrar for any Money so borrowed shall be a valid and effectual Discharge for the same, and from all Liability, Claims, and Demands in respect of the Money thereby acknowledged to be received, and the Application thereof. Receipts for Money borrowed.

VII. A Copy

*Hereford Cathedral Restoration Act, 1857.*

Registration  
of Copies of  
Mortgage  
Deeds.

VII. A Copy of every such Mortgage Deed shall be registered for the Inspection of all Persons interested therein by the Clerk or Registrar of the Dean and Chapter in a Book for that Purpose provided, and he shall examine every such Copy with the Original, and authenticate it by his Signature subscribed thereto, and such Copy of any such Mortgage Deed shall, if the Original be lost or destroyed, be allowed as Evidence thereof in all Courts of Law and Equity and elsewhere.

Income of  
Proceeds of  
Sales of Fa-  
bric Estates  
to be paid  
to the Dean  
and Chapter  
as Profits of  
the Estates.

VIII. If any Part of the Fabric Estates be sold, the yearly Income of the Purchase Moneys arising from such Sale and of the Investments thereof shall from Time to Time be paid by the Church Estates Commissioners to the Dean and Chapter, to be applied by them under this Act as Part of the yearly Profits of the Fabric Estates, and the Receipt of the Dean and Chapter or their Clerk or Registrar shall be sufficient Discharges for the Money so paid, and from all Liability, Claims, and Demands in respect thereof: Provided always, that if it be so provided in any Mortgage Deed executed by the Dean and Chapter in pursuance of this Act such yearly Income or any Part thereof may be paid by the Church Estates Commissioners to the Person from Time to Time entitled to receive the Interest secured by the Mortgage, and in or towards Payment of such Interest, and his Receipts shall be sufficient Discharges for the Money so paid, and from all Liability, Claims, and Demands in respect thereof.

Interest to  
be paid  
half-yearly.

IX. The Dean and Chapter shall pay the Interest on every Mortgage under this Act half-yearly as the same becomes due.

Sinking  
Fund for  
paying off  
Money bor-  
rowed.

X. In order to the Formation of a Sinking Fund for the Repayment of the Moneys borrowed by the Dean and Chapter under this Act, they shall in every Year during the first Ten Years, computed from the respective Times of borrowing such Moneys until the whole of the Moneys borrowed be repaid, invest at Interest in Government or other good and sufficient Securities a Sum equal to Two Pounds *per Centum* of the total Amount of the Moneys so borrowed; and in every Year during the next Fourteen Years thereafter also invest at Interest as aforesaid a Sum equal to Three Pounds *per Centum* of the said total Amount of Moneys borrowed; and in every Year thereafter, until the whole of the Moneys borrowed be repaid, invest at Interest as aforesaid a Sum equal to Five Pounds *per Centum* of the total Amount so borrowed as aforesaid, and shall in like Manner invest by way of Accumulation the Income of such Investments and of the Accumulations thereto.

XI. The

*Hereford Cathedral Restoration Act, 1857.*

XI. The Dean and Chapter shall pay the Interest on the Mortgages granted under this Act, and apply the yearly Sums to form the Sinking Fund under this Act respectively out of the Rents and Profits of the Fabric Estates, and the yearly Income arising from the Moneys produced by any Sales of the Fabric Estate, and from the Investments thereof; and if such Rent, Profits, and yearly Income shall be insufficient for Payment of such Interest and yearly Sums to the Sinking Fund as aforesaid, the Deficiency shall be made good by the Dean and Chapter from Time to Time out of their Corporate Estates.

Interest to be paid and Sinking Fund formed out of Profits of Fabric Estates.

XII. The Moneys so to be applied in Payment of Interest shall be the First Charge on such Rents, Profits, and Income, and the Moneys so to be applied for forming the Sinking Fund shall be the Second Charge thereon.

Interest and Sinking Fund charged on such Profits.

XIII. The Dean and Chapter from Time to Time, when and as they think fit, shall apply the Sinking Fund or Part thereof in or towards the Repayment of the Moneys borrowed by them under this Act, and in order thereto shall convert into Money the Investments of the Sinking Fund or Part thereof.

Occasional Repayment of Money borrowed.

XIV. Provided always, that when the Amount of the Sinking Fund is sufficient for the Repayment of the whole of the Money borrowed under this Act and then remaining undischarged, the Dean and Chapter shall apply the Sinking Fund in Repayment thereof, and in order thereto shall convert into Money the Investments of the Sinking Fund: Provided always, that if there be any Surplus after such Repayment, the Surplus shall be applied by the Dean and Chapter as Profits of the Fabric Estates.

Final Repayment of Money borrowed.

XV. Whenever any Principal or Interest to be paid to any Mortgagee under this Act, his Executors, Administrators, or Assigns, is not paid by the Dean and Chapter according to the Terms expressed in his Mortgage Deed, the Mortgagee, his Executors, Administrators, or Assigns, may recover the same, with Costs of Suit, from the Dean and Chapter, by Action in any Court of competent Jurisdiction, or may recover the Possession of all the Interest which the Dean and Chapter have in the mortgaged Premises, with Costs of Suit, by Action of Ejectment in any Court of competent Jurisdiction; and in every such Action Service of the Process on the Clerk of the Dean and Chapter shall be good Service thereof on the Dean and Chapter.

On default of Payment Mortgagees may recover.

XVI. When all Principal Money, Interest, and Costs secured by any Mortgage granted under this Act are paid off or satisfied, the Term granted by the Mortgage Deed shall thereupon absolutely cease.

Mortgage Terms to cease on Repayment.

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XVII. Such

*Hereford Cathedral Restoration Act, 1857.*

Evidence of Repayment.

XVII. Such Payment or Satisfaction may be evidenced sufficiently by a Receipt or Memorandum in Writing, signed by the Mortgagee, his Executors, Administrators, or Assigns, and indorsed on or annexed to the Mortgage Deed.

Registration of Copies of such Evidence.

XVIII. A Copy of every such Receipt or Memorandum shall be registered for the Inspection of all Persons interested therein by the Clerk or Registrar of the Dean and Chapter in the Book provided for the Registration of the Mortgage Deeds, and he shall examine every such Copy with the Original, and authenticate it by his Signature subscribed thereto; and such Copy of any such Receipt or Memorandum shall, if the Original be lost or destroyed, be allowed as Evidence thereof in all Courts of Law and Equity and elsewhere.

Application of Money borrowed.

XIX. The Dean and Chapter shall apply the Money so borrowed in or towards repairing the Parts of the Cathedral Church now out of repair, and shall from Time to Time, before the Commencement of the Works, submit to the Ecclesiastical Commissioners for *England* for their Approval the Contracts, Working Drawings, and Specifications for the Repairs, and shall execute the Works in accordance with the Plans, Working Drawings, and Specifications thereof so from Time to Time approved by them, and shall produce to them proper and sufficient Vouchers of the due Application of the Money accordingly.

The Dean and Chapter to keep Account of Receipts, &c. under this Act.

XX. The Dean and Chapter shall keep a just and particular Account of all their Receipts, Credits, Payments, and Liabilities under this Act, which Account shall be fairly entered in a Book provided for that Purpose solely, and shall at every general Audit be perused and examined and signed by the Dean and Chapter, and also by the Auditor, in like Manner as the other Accounts of the Dean and Chapter, and the Book shall at all Times be open to the Examination and Transcription of the Lord Bishop of *Hereford*.

Orders of Court of Chancery for Purposes of Act.

XXI. The Court of Chancery from Time to Time may make all such Orders and give all such Directions for any of the Purposes of this Act, and for the Taxation and Payment of any Costs, as the Court from Time to Time think fit.

Saving Rights of Crown.

XXII. Nothing in this Act contained shall take away, lessen, derogate from, prejudice, alter, or affect any of the Powers, Authorities, Jurisdictions, or Rights of Her Majesty, Her Heirs or Successors, save only so far, if at all, as is requisite for giving Effect to the several Purposes of this Act.

XXIII. Except

*Hereford Cathedral Restoration Act, 1857.*

XXIII. Except so far as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, Authorities, Privileges, or Immunities of the Dean and Chapter, or of the Church Estates Commissioners, or of the Ecclesiastical Commissioners for *England*, or free the Corporate Estates of the Dean and Chapter from the Liability (if any) to provide for the Repair and Sustentation of the Fabric of the Cathedral Church.

Saving  
Rights of  
Dean and  
Chapter and  
Church Es-  
tates Com-  
missioners.

XXIV. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Dean and Chapter out of Moneys borrowed by them under this Act.

Expenses of  
Act.

XXV. Saving to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all Persons and Bodies Politic and Corporate, and their respective Heirs and Successors, Executors, and Administrators, (other than and except the several Persons who are by this Act expressly excepted out of this General Saving,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever in, to, or out of the Fabric Estate or any Part thereof as they or any of them respectively had before the passing of this Act, or could or might have respectively enjoyed in case this Act were not passed.

General  
Saving.

XXVI. Provided always, That the following Persons are excepted out of the General Saving in this Act contained, and are accordingly the only Persons bound by this Act, to wit, the Dean and Chapter, their Successors and Assigns, and the Church Estates Commissioners, and the Ecclesiastical Commissioners for *England*.

Persons  
bound by  
the Act.

XXVII. 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.

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

SCHEDULE.

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Sums produced by the Enfranchisement or Sale of Copyhold and Leasehold Estates of the Dean and Chapter.

PART ONE.

*Sums in the Hands of the Church Estates Commissioners.*

	<i>Consols.</i>	<i>£</i>	<i>s.</i>	<i>d.</i>
Consideration Money for Sale of the Reversion of Glebe Lands and Tithe Rents in the Parish of Pencoyd, Herefordshire, £1,500, invested in the Purchase of 3 per Centum Consols	1,589		8	0
Consideration Money for Enfranchisement of Copyhold Lands in the Manor of Woolhope, Herefordshire, to Thomas Playfair Williams, Esq., £129, invested in the Purchase of 3 per Centum Consols	140		8	1
	£ 1,729 16 1			

PART TWO.

*Sums invested in the Name of the Accountant General of the High Court of Chancery.*

	<i>Consols.</i>	<i>£</i>	<i>s.</i>	<i>d.</i>
Consideration Money for Enfranchisement of Copyhold Lands in the Manor of Norton Canon, Herefordshire, to the late Sir John Geers Cotterell, Baronet, £400, invested in the Purchase of	440		3	4
Consideration Money for Enfranchisement of Copyhold Lands in the Manor of Woolhope, Herefordshire, to the Rev. Richard Hodges, £242 10s. 5d., invested in the Purchase of	249		14	0
	£ 689 17 4			

*J. H. Knight.*

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Printers to the Queen's most Excellent Majesty. 1857.