

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

****

C A P. XLV.

An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies;* and for other Purposes.

[15th *October* 1831.]

WHEREAS by an Act passed in the Twenty-ninth Year of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies,* 29 C. 2. c. 8. it was amongst other things enacted, that all and every Augmentation, of what Nature soever, granted, reserved, or agreed to be made payable, or intended to be granted, reserved, or made payable, since the First Day of *June* in the Twelfth Year of His said Majesty's Reign, or which should at any Time thereafter be granted, reserved, or made payable to any Vicar or Curate, or reserved by way of Increase of Rent to the Lessors, but intended to be to or for the Use or Benefit of any Vicar or Curate, by any Archbishop, Bishop, Dean, Provost, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, so making the said Reservation out of any Rectory Impropriate or Portion of Tithes belonging to any Archbishop, Bishop, Dean, Provost, Dean and Chapter, or other Ecclesiastical Corporation, Person or Persons, should be

deemed and adjudged to continue, and be and should for ever thereafter continue and remain, as well during the Continuance of the Estate or Term upon which the said Augmentations were granted, reserved, or agreed to be made payable, as afterwards, in whose Hands soever the said Rectories or Portion of Tithes should be or come, which Rectories or Portions of Tithes should be chargeable therewith, whether the same should be reserved again or not; and the said Vicars and Curates respectively were thereby adjudged to be in the actual Possession thereof for the Use of themselves and their Successors, and the same should for ever thereafter be taken, received, and enjoyed by the said Vicars and Curates, and their Successors, as well during the Continuance of the Term or Estate upon which the said Augmentations were granted, reserved, or agreed to be made payable, as afterwards; and the said Vicars and Curates should have Remedy for the same, either by Distress upon the Rectories Impropriate or Portions of Tithes charged therewith, or by Action of Debt against that Person who ought to have paid the same, his Executors or Administrators, any Disability in the Person or Persons, Bodies Politic or Corporate so granting, or any Disability or Incapacity in the Vicars or Curates to whom or to or for whose Use or Benefit the same were granted or intended to be granted, the Statute of Mortmain, or any other Law, Custom, or other Matter or Thing whatsoever, to the contrary notwithstanding; provided always, that no future Augmentation should be confirmed by virtue of the said Act which should exceed One Moiety of the clear yearly Value above all Reprises of the Rectory Impropriate out of which the same should be granted or reserved; and it was thereby also enacted, that if any Question should thereafter arise concerning the Validity of such Grants, or any other Matter or Thing in that Act mentioned and contained, such favourable Constructions, and such Remedy, if need be, should be had and made for the Benefit of the Vicars and Curates as theretofore had been had and made or might be had for other charitable Uses upon the Statutes for charitable Uses: And whereas it is expedient that the Powers and Provisions of the said Act should be amended and enlarged; be it therefore 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, That the said recited Provision by which the Amount of any Augmentation is restricted and limited to One Moiety of the clear yearly Value above all Reprises of the Rectory Impropriate out of which the same should be granted and reserved, shall, so far as relates to any Augmentation which may be granted after the passing of this Act, be and the same is hereby repealed.

Provision in recited Act limiting any Augmentation repealed.

Explaining Doubts as to Portion of Tithes, &c.

II. And whereas Doubts may arise by reason of the Mention of Portion of Tithes in the said recited Act; be it enacted, That the Provisions of the said recited Act shall extend to any Augmentation to be made out of Tithes, although the same may not be a Portion of Tithes; and further, that it shall be lawful, under the Power given by the said recited Act, to grant, reserve, or make payable any such Augmentation as aforesaid to the Incumbent of any Church or Chapel within the Parish or Place in which the Rectory Im-

propriate shall lie, or in which the Tithes or Portion of Tithes shall arise, (as the Case may be,) whether such Incumbent shall be a Vicar or Curate, or otherwise: Provided also, that no such Augmentation shall be made payable to any other Person whomsoever.

Recited Act to extend to Augmentations by Colleges and Hospitals.

III. And be it further enacted, That in every Case in which any Augmentation shall at any Time hereafter be granted, reserved, or made payable to the Incumbent of any Church or Chapel, or reserved by way of Increase of Rent to the Lessors, but intended to be to or for the Use or Benefit of any Incumbent, by the Master and Fellows of any College, or the Master or Guardian of any Hospital so making the said Grant or Reservation out of any Rectory Impropriate, or Tithes, or Portion of Tithes, belonging to the Master and Fellows of such College, or the Master or Guardian of such Hospital, all the Provisions herein-before recited and set forth, except the Provision herein-before repealed, shall apply to such Case in the same Manner as if the same Provisions, except as aforesaid, (with such Alterations therein as the Difference between the Cases would require,) were herein expressly set forth and enacted with reference thereto: Provided always, that every such Augmentation shall be made to the Incumbent of some Church or Chapel within the Parish or Place in which the Rectory Impropriate shall lie, or in which the Tithes or Portion of Tithes shall arise (as the Case may be).

The same Statute to extend to Augmentations made by Spiritual Persons, Colleges, and Hospitals, out of any Hereditaments, to any Church or Chapel being in their Patronage.

IV. And be it further enacted, That in every Case in which any Augmentation shall at any Time hereafter be granted, reserved, or made payable to the Incumbent of any Church or Chapel being in the Patronage of the Grantor or Grantors, or Lessor or Lessors, or be reserved by way of Increase of Rent to the Lessor or Lessors, but intended to be to or for the Use or Benefit of any such Incumbent, by any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, or the Master and Fellows of any College, or the Master or Guardian of any Hospital so making the said Grant or Reservation out of any Lands, Tenements, or other Hereditaments belonging to such Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, or the Master and Fellows of such College, or the Master or Guardian of such Hospital, all the Provisions herein-before recited and set forth (except the Provision herein-before repealed) shall apply to such Case in the same Manner as if the same Provisions, except as aforesaid, (with such Alterations therein as the Difference between the Cases would require,) were herein expressly set forth and enacted with reference thereto.

All such Augmentations to be in the Form of annual Rents.

V. Provided also, and be it further enacted and declared, That every Augmentation which at any Time hereafter shall be granted, reserved, or made payable, either under the Power given by the said recited Act, or under either of the Powers herein-before contained, shall be in the Form of an annual Rent, and that the Provisions of the said recited Act, and the Provisions herein-before contained, shall not apply to any other kind of Augmentation whatsoever to be made after the passing of this Act.

VI. And

Where Hereditaments are in Lease, a Part of the reserved Rent may be granted as an Augmentation.

VI. And be it further enacted and declared, That where any such Rectory Impropriate, or Tithes, or Portion of Tithes, or any such Lands, Tenements, or other Hereditaments as aforesaid, shall respectively be subject to any Lease on which an annual Rent shall be reserved or be payable to the Person or Persons or Body Politic making the Augmentation, it shall be lawful, during the Continuance of such Lease, to exercise the Power given by the said recited Act, or either of the Powers herein-before contained, (so far as the same shall apply,) by granting to the Incumbent of the Benefice intended to be augmented a Part of the Rent which shall be so reserved or made payable as aforesaid, and then and in every such Case the same Premises shall for ever, as well after the Determination of such Lease as during the Continuance thereof, be chargeable to such Incumbent, and his Successors, with the Augmentation which shall have been so granted to him as aforesaid; and from and after such Time as Notice of the said Grant shall be given to the Person or Persons entitled in Possession under the said Lease, and thenceforth during the Continuance of the same, such Incumbent, and his Successors, shall have all the same Powers for enforcing Payment of such Augmentation as the Person or Persons or Body Politic by whom the Augmentation shall have been granted might have had in that Behalf in case no Grant of the same had been made; and after the Determination of the said Lease, the said Incumbent, and his Successors, shall have such Remedy for enforcing Payment of such Augmentation as aforesaid as is provided by the said recited Act with respect to Augmentations granted, reserved, or made payable under the Authority thereof.

Where Hereditaments are subject to a Lease not reserving a Rack Rent, an Augmentation may be granted, to take effect on the Determination of such Lease.

VII. And be it further enacted, That where any such Rectory Impropriate, or Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments as aforesaid, shall be subject to any Lease for any Term not exceeding Twenty-one Years or Three Lives, or (in the Case of such Houses as under the Provisions of the Act passed in the Fourteenth Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act for Continuation, Explanation, perfecting, and enlarging of divers Statutes*, may lawfully be leased for Forty Years,) not exceeding Forty Years, on which Lease the most improved Rent at the Time of making the same shall not have been reserved, it shall be lawful at any Time during the Continuance of such Lease to exercise the Power given by the said recited Act, or either of the Powers herein-before contained, by granting out of the said Premises an Augmentation, to take effect in Possession after the Expiration, Surrender, or other Determination of such Lease, and then and in every such Case the said Premises shall, from and after the Expiration, Surrender, or other Determination of the said Lease, and for ever thereafter, be chargeable with the said Augmentation; and the Provisions of the said recited Act and of this Act respectively shall in all respects apply to every Augmentation which shall be so granted in the same Manner as in other Cases of Augmentations to be granted under the Powers of the said recited Act or of this Act.

Power in such Cases to defer the

VIII. And whereas it is apprehended that it may be desirable in many Cases to make Grants of Augmentations in the Manner last herein-

herein-before mentioned, and that such Grants would be much discouraged if the Augmentation to be granted should necessarily take effect in Possession upon a Surrender of the Lease during which the same had been granted as aforesaid for the Purpose of such Lease being renewed; be it therefore further enacted, That in any Case in which an Augmentation shall have been granted to take effect in Possession after the Expiration, Surrender, or other Determination of any Lease in the Manner authorized by the Clause last herein-before contained, and a Renewal of such Lease shall take place before the Expiration thereof, it shall be lawful in and by the renewed Lease to defer the Time from which such Augmentation is to take effect in Possession as aforesaid until any Time to be therein specified in that Behalf: Provided always, that the Time to which the Augmentation shall be so deferred shall be some Time not exceeding Twenty-one Years, or (in the Case of such Houses as by the said Act of Her Majesty Queen *Elizabeth* may lawfully be leased for Forty Years) not exceeding Forty Years, to be respectively computed from the Commencement of the Lease during which the Augmentation shall have been granted.

Commencement of the Augmentation upon a Renewal of the Lease.

IX. Provided always, and be it further enacted, That where any such Augmentation as aforesaid shall have become chargeable, under or by virtue of the said recited Act or of this Act, upon any Rectory Impropriate, Tithes, Portion of Tithes, Lands, Tenements, or other Hereditaments, if any Lease shall afterwards be granted of any Part of the same Premises separately from the rest thereof, then and in every such Case, and from Time to Time so often as the same shall happen, it shall be lawful for the Person or Persons granting such Lease to provide and agree that any Part of such Augmentation shall during such Lease be paid out of such Part of the Hereditaments previously charged therewith as shall be comprised in the said Lease, and then and in such Case, and thenceforth during the Lease so to be made as aforesaid, no further or other Part of the said Augmentation shall be charged on the Premises comprised in the said Lease than such Part of the said Augmentation as shall be so agreed to be paid out of the same: Provided always, that in every such Case the Hereditaments which shall be leased in Severalty as aforesaid shall be a competent Security for such Part of the said Augmentation as shall be agreed to be paid out of the same, and the Remainder of the Hereditaments originally charged with the said Augmentation shall be a competent Security for the Residue thereof.

Power to apportion Augmentations on future Leases.

Restriction on the Exercise of the Power of Apportionment.

X. And whereas by the said recited Act it was enacted, that if upon the Surrender, Expiration, or other Determination of any Lease wherein such Augmentation had been or should be granted, any new Lease of the Premises, or any Part thereof, should thereafter be made without express Continuance of the said Augmentation, every such new Lease should be utterly void; be it further enacted, That the said last-mentioned Provision, so far as relates to any Augmentation which may be granted after the passing of this Act, shall be and the same is hereby repealed.

Repeal of so much of recited Act as requires an express Continuance of the Augmentation in new Leaess.

XI. And be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary,

Ecclesiastical Corporations, Colleges, &c.

holding Impropriate Rectories or Tithes, may annex the same to any Church or Chapel within the Parish in which the Rectory lies or the Tithes arise.

dary, or other Ecclesiastical Corporation, or Person or Persons, or the Master and Fellows of any College, or the Master or Guardian of any Hospital, being, in his or their corporate Capacity, the Owner or Owners of any Rectory Impropriate, or of any Tithes, or Portion of Tithes, arising in any particular Parish or Place, by a Deed duly executed, to annex such Rectory Impropriate, or Tithes, or Portion of Tithes as aforesaid, or any Lands or Tithes, being Part or Parcel thereof, with the Appurtenances, unto any Church or Chapel within the Parish or Place in which the Rectory Impropriate shall lie, or in which the Tithes or Portion of Tithes shall arise, to the Intent and in order that the same may be held and enjoyed by the Incumbent for the Time being of such Church or Chapel; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

Power to annex Lands, &c. held by them to any Church or Chapel under their Patronage.

XII. And be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation or Person or Persons, or the Master and Fellows of any College, or the Master or Guardian of any Hospital, being, in his or their corporate Capacity, the Owner or Owners of any Lands, Tenements, or other Hereditaments whatsoever, and also being in his or their corporate Capacity the Patron or Patrons of any Church or Chapel, by a Deed duly executed, to annex such Lands, Tenements, or other Hereditaments, with the Appurtenances, unto such Church or Chapel, to the Intent and in order that the same Premises may be held and enjoyed by the Incumbent for the Time being thereof; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

Such Annexations to be subject to prior Leases, and the Rents reserved upon the same, or some Portion thereof, to be determined by the Deed of Annexation.

XIII. Provided always, and be it further enacted, That in any Case in which any Rectory Impropriate, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, shall be annexed to any Church or Chapel, pursuant to either of the Powers herein-before in that Behalf contained, the Annexation thereof shall be subject and without Prejudice to any Lease or Leases which previously to such Annexation may have been made or granted of the same Premises or any Part thereof; provided also, that in every such Case any Rent or Rents which may have been reserved in respect of the said Premises in and by such Lease or Leases, or (in case any other Hereditaments shall have been also comprised in such Lease or Leases) some proportional Part of such Rent or Rents, such proportional Part to be fixed and determined in and by the Instrument by which the Annexation shall be made, shall during the Continuance of the said Lease or Leases be payable to the Incumbent for the Time being of the Church or Chapel to which the Premises shall be annexed as aforesaid; and accordingly such Incumbent for the Time being shall, during the Continuance of such Lease or Leases, have all the same Powers for enforcing Payment of the same Rent or Rents, or of such proportional Part thereof as aforesaid, as the Person or Persons or Body Politic by whom the Annexation shall have been made might have had in that Behalf in case the said Premises had not been annexed.

Provisions of 39 & 40 G. 3. c. 41. to extend to such Annexations, in certain Cases.

XIV. And be it further enacted and declared, That where any Rectory Impropriate, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, which shall be annexed to any Church or Chapel under either of the Powers herein-before in that Behalf contained, or any Part thereof, shall have been anciently or accustomably demised with other Hereditaments in One Lease, under One Rent, or divers Rents issuing out of the Whole, and after such Annexation such other Hereditaments as aforesaid, or any Part thereof, shall be demised by a separate Lease or Leases, all the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for explaining and amending several Acts made in the Thirty-second Year of King* Henry *the Eighth, and the First, Thirteenth, and Fourteenth Years of the Reign of Queen* Elizabeth, *so far as respects Leases granted by Archbishops, Bishops, Masters, and Fellows of Colleges, Deans and Chapters of Cathedral and Collegiate Churches, Masters and Guardians of Hospitals, and others, having any Spiritual or Ecclesiastical Living or Promotion,* shall apply and take effect in the same Manner as if the Premises which shall be so annexed as aforesaid had been retained in the Possession or Occupation of the Person or Persons by whom such Lease or Leases as aforesaid shall be made.

Certain Powers to apply to Persons entitled to alternate Presentation.

XV. And be it further enacted, That such of the Powers herein-before contained as are restricted to Cases in which the Corporation or Person by whom the same may be exercised shall be the Patron of the Benefice which it shall be intended or desired to augment, shall apply to and may be exercised in Cases in which such Corporation or Person shall be entitled only to the alternate Right of Presentation to such Benefice.

Benefices exceeding in yearly Value 300*l.* not to be raised, and all others to be limited.

XVI. Provided always, and be it further enacted, That the Power given by the said recited Act shall not at any Time hereafter, nor shall any of the Powers herein-before contained, in any Case, be exercised so as to augment in Value any Benefice whatsoever, which at the Time of the Exercise of the Power shall exceed in clear annual Value the Sum of Three hundred Pounds, or so as to raise the clear annual Value of any Benefice to any greater Amount than such Sum of Three hundred and fifty Pounds, or Three hundred Pounds, not taking account of Surplice Fees.

Power to determine the yearly Value of any Hereditaments for the Purposes of the Act.

XVII. And be it further enacted, That in every Case in which it shall be desired, upon the Exercise of any of the said Powers, to ascertain, for the Purposes of this Act, the clear yearly Value of any Benefice, or of any Rectory Impropriate, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, it shall be lawful for the Archbishop or Bishop of the Diocese within which the Benefice to be augmented shall be situate, or where the same shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then for the Archbishop or Bishop to whom such Peculiar Jurisdiction shall belong, to cause such clear yearly Value to be determined and ascertained by any Two Persons whom he shall appoint for that Purpose, by Writing under his Hand, (which Writing is hereby directed to be afterwards annexed to the Instrument by which the Power shall be

be exercised,) and a Certificate of such clear yearly Value, written or endorsed on the Instrument by which the Power shall be exercised, and signed by such Persons as aforesaid, shall for all the Purposes of this Act be conclusive Evidence of such clear yearly Value as aforesaid.

By whom the above-mentioned Powers may be exercised, and with whose Consent.

XVIII. Provided also, and be it further enacted, That in every Case in which the Power given by the said recited Act, or any of the Powers herein-before contained, (other than and except the aforesaid Power of deferring the Time at which an Augmentation is to take effect in Possession,) shall be exercised by any Bishop, Dean, Archdeacon, or Prebendary, or by the Master or Guardian of any Hospital, the same shall be so exercised in the Case of a Bishop, with the Consent of the Archbishop of the Province, or in the Case of a Dean, with the Consent of the Dean and Chapter, or in the Case of an Archdeacon or Prebendary, with the Consent of the Archbishop or Bishop to whose Jurisdiction or Controul they shall be respectively subject, or in the Case of the Master or Guardian of a Hospital, with the Consent of the Patron or Patrons, Visitor or Visitors (if any) of such Hospital, such Consent as aforesaid to be testified by the said Archbishop, Dean and Chapter, Bishop, or Patron or Patrons, Visitor or Visitors (as the Case may require), executing the Instrument by which the Power shall be exercised.

Incumbents not to exercise them.

XIX. Provided always, and be it further enacted, That the Incumbent of any Benefice or Living shall not be authorized to exercise any of the Powers aforesaid with respect to any Hereditaments to which he may be entitled in right of his Benefice.

Incumbent may annex Tithes, &c. to which he is entitled, arising out of the Limits of his Benefice, to the Church or Chapel of the Parish where they arise.

XX. Provided also, and be it further enacted, That where the Incumbent of any Benefice shall in right of the same be entitled to any Tithes or Portion of Tithes arising in any Parish or Place not being within the Limits of such Benefice, it shall be lawful for the Incumbent for the Time being of such Benefice, by a Deed duly executed by him, to annex such Tithes or Portion of Tithes as aforesaid, or any Part thereof, to any Church or Chapel within the Parish or Place in which such Tithes or Portion of Tithes shall arise, to the Intent that the same may be enjoyed by the Incumbent for the Time being of such Church or Chapel; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding: Provided always, that every such Annexation as aforesaid shall be made with the Consent of the Archbishop or Bishop of the Diocese within which the said Benefice shall be situate, (or if the said Benefice shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then with the Consent of the Archbishop or Bishop to whom such Peculiar Jurisdiction shall belong,) and also with the Consent of the Patron or Patrons of the said Benefice, such Consent to be testified by the said Archbishop or Bishop and the said Patron or Patrons respectively executing the Instrument by which the Annexation shall be made.

Power to Rectors or Vicars to charge their

XXI. And whereas it is expedient that Rectors and Vicars should be enabled, under proper Restrictions, to charge their Rectories and Vicarages for the Benefit and Support of Chapels of Ease situate within

within such Rectories and Vicarages, as also in certain other Cases; be it therefore further enacted, That it shall be lawful for any Rector or Vicar for the Time being of any Rectory or Vicarage, by a Deed duly executed by him, to annex to any Chapel of Ease or Parochial Chapel, or to any District Church or Chapel, or any Chapel having a District assigned thereto, whether already built or hereafter to be built, (such Chapel of Ease or other Chapel or Church, with the District or Place to which the same belongs, being situate within the Limits, or within the original Limits, of the said Rectory or Vicarage,) any Part or Parts of the Tithes or other annual Revenues belonging to such Rectory or Vicarage, or to grant to the Incumbent for the Time being of any such Chapel of Ease or other Chapel or Church, and his Successors, any annual Sum of Money, to be payable by equal quarterly or equal half-yearly Payments, and to charge the same on all or any Part of such Tithes or other Revenues as aforesaid, or on any Lands or other Hereditaments belonging to the said Rectory or Vicarage; and in every Case in which any such Tithes or other Revenues shall be annexed to any such Church or Chapel as aforesaid, the Incumbent for the Time being thereof shall thenceforth have all the same Remedies for recovering and enforcing Payment of the Premises which shall be so annexed as the Rector or Vicar for the Time being of the Rectory or Vicarage might have had if such Annexation had not been made; and in every Case in which any annual Sum of Money shall be so granted as aforesaid, the Incumbent for the Time being entitled thereto shall have all such Remedies for recovering and enforcing Payment thereof by Action of Debt against the Incumbent for the Time being of the said Rectory or Vicarage, or by Distress upon the Hereditaments to be charged therewith, or otherwise, as shall in that Behalf be specified and given by the Deed by which the Grant shall be made: Provided always, that every such Grant and Annexation shall be made with the Consent of the Archbishop or Bishop of the Diocese within which the Rectory or Vicarage shall be situate, (or if the Rectory or Vicarage shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then with the Consent of the Archbishop or Bishop to whom such Peculiar Jurisdiction shall belong,) and also with the Consent of the Patron or Patrons of the said Rectory or Vicarage, such Consent to be testified by the said Archbishop or Bishop and the said Patron or Patrons respectively executing the Instrument by which the Annexation or Grant shall be made.

Rectories and Vicarages for the Benefit of Chapels of Ease, &c.

XXII. And whereas by an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Places*, Provision was made, under certain Restrictions, for enabling any Parish to be divided into Two or more distinct Parishes, and for apportioning in such Cases the Glebe Lands, Tithes, Moduses, or other Endowments between the respective Divisions; and it was thereby provided with respect to every such Case, that during the Incumbency of the existing Incumbent of the Parish every new Church intended as the Parish Church of any Division intended to become a distinct Parish should remain a Chapel of Ease; be it further enacted, That the Power last herein-

Exception to the preceding Power. 58 G. 3. c. 45.

before contained shall not be exercised for the Purpose of making an Annexation or Grant to any Chapel of Ease situate within any Division which under the Provisions of the said last-recited Act shall be intended to become a distinct Parish.

Manner in which Consent to the Exercise of Powers in this Act shall be testified, where Patronage of Benefice is in the Crown;

XXIII. And be it further enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Patronage of such Benefice shall be in the Crown, the Consent of the Crown to the Exercise of such Power shall be testified in the Manner herein-after mentioned; (that is to say,) if such Benefice shall be above the yearly Value of Twenty Pounds in the King's Books the Instrument by which the Power shall be exercised shall be executed by the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being; and if such Benefice shall not exceed the yearly Value of Twenty Pounds in the King's Books such Instrument shall be executed by the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the Time being; and if such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Lancaster* such Instrument shall be executed by the Chancellor of the said Duchy for the Time being; and the Execution of such Instrument by such Person or Persons shall be deemed and taken, for the Purposes of this Act, to be an Execution by the Patron of the Benefice.

where Patron is an incapacitated Person;

XXIV. And be it further enacted, That in any Case where the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian or Guardians, Committee or Committees, or Husband of such Patron (but in case of a Feme Covert with her Consent in Writing) to execute the Instrument by which such Power shall be exercised, in testimony of the Consent of such Patron; and such Execution shall for the Purposes of this Act be deemed and taken to be an Execution by the Patron of the Benefice.

where Patronage is Part of the Possessions of the Duchy of Cornwall.

XXV. And be it further enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, the Consent of the Patron of such Benefice to the Exercise of such Power shall be testified in the Manner herein-after mentioned; (that is to say,) the Instrument by which the Power shall be exercised shall be executed by the Duke of *Cornwall* for the Time being, if of full Age, but if such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Cornwall* such Instrument shall be executed by the same Person or Persons who is or are by this Act authorized to testify the Consent of the Crown to the Exercise of any Power given by this Act in respect of any Benefice in the Patronage of the Crown; and the Execution of such Instrument by such Person or Persons shall be deemed and taken, for the Purposes of this Act, to be an Execution by the Patron of the Benefice.

XXVI. Pro-

Instruments to be deposited in the Registry of the Diocese.

XXVI. Provided always, and be it further enacted, That in every Case in which the Power given by the said recited Act of the Twenty-ninth Year of the Reign of King *Charles* the Second, or any of the Powers herein-before contained, shall be exercised, the Instrument by which the same shall be so exercised shall within Two Calendar Months after the Date of the same be deposited in the Registry of the Diocese within which the Benefice augmented or otherwise benefited shall be locally situate, or where the same shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then in the Registry of such Peculiar Jurisdiction.

Office Copies of Instruments deposited in the Registry to be Evidence.

Fee to the Registrar.

XXVII. And be it further enacted, That an Office Copy of any Instrument which under the Provisions of this Act shall be deposited in any such Registry as aforesaid (such Office Copy being certified by the Registrar or his Deputy) shall be allowed as Evidence thereof in all Courts and Places, and every Person shall be entitled to require any such Office Copy, and shall also be allowed, at all usual and proper Times, to search for and inspect any Instrument which shall be so deposited, and the Registrar shall be entitled to the Sum of Five Shillings and no more for depositing any such Instrument as aforesaid, and to the Sum of One Shilling and no more for allowing any such Search or Inspection as aforesaid, and to the Sum of Sixpence and no more (besides Stamp Duty) for every Law Folio of Seventy-two Words in any Office Copy to be made and to be certified as aforesaid.

Extent of the Word "Benefice" in this Act.

XXVIII. And be it further enacted, That the Word "Benefice" in this Act shall be construed and taken to comprehend Rectories, Vicarages, Donatives, Perpetual Curacies, Parochial and Consolidated Chapelries, District Parishes and District Chapelries, and Churches and Chapels having a District assigned thereto.

Act to apply to all Heads of Colleges, under whatever Denomination.

XXIX. And be it further enacted, That the Powers by this Act given to the Master and Fellows of any College shall apply to Cases in which the Head of the College shall be called the Warden, Dean, Provost, President, Rector, or Principal thereof, or shall be called by any other Denomination, and that such Powers shall extend to every College and Hall in the Universities of *Oxford* and *Cambridge*, and to the Colleges of *Eton* and *Winchester*.

To extend to England and Wales.

XXX. Provided also, and be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*.

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