ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. XLV.

An Act for building and promoting the building of additional Churches in populous Pariſhes.

[30th *May* 1818.]

WHEREAS the Population of *Great Britain*, and more particularly in the Metropolis and its Vicinity, and in other Cities and great Towns, has greatly increaſed, and the Churches and Chapels now exiſting in the Metropolis and its Vicinity, and in many great and populous Pariſhes and extra-parochial Places, are inadequate to the Accommodation of the Inhabitants thereof: And whereas it is therefore neceſſary that ſuch Evil ſhould be remedied, and that additional Churches and Chapels for the Celebration of Divine Service, according to the Rites of the United Church of *England* and *Ireland*, as by Law eſtabliſhed, ſhould be erected and maintained in ſuch Pariſhes and Places, and that a certain Number of free Seats ſhould be made therein: And whereas His Royal Highneſs the Prince Regent, acting in the Name and on the Behalf of His Majeſty, is deſirous of aiding His Subjects in the eſtabliſhing additional Churches in ſuch Pariſhes and Places as may require the ſame: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for the King's moſt Excellent Majeſty, by Warrant or Warrants under His Royal Sign Manual, to authorize and empower the Commiſſioners of His Majeſty's Treaſury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treaſurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to cauſe or direct any Number of Exchequer Bills to be made out at His Majeſty's Exchequer at *Weſtminſter*, not

His Majeſty may authorize Commiſſioners of Treaſury to iſſue Exchequer Bills not exceeding One Million.

not exceeding in the whole the Sum of One Million, in the ſame or like Manner, Form, and Order, and according to the ſame or like Rules and Directions (except where other Directions for making out the ſame are contained and particularly expreſſed in this Act), as in and by an Act made in the Forty-eighth Year of the Reign of His preſent Majeſty, intituled *An Act for regulating the iſſuing and paying off of Exchequer Bills*, are enacted and preſcribed.

48 G. 3. c. 1.

Powers of recited Act to extend to Exchequer Bills made out under this Act.

II. And be it further enacted, That all and every the Clauſes, Proviſoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities contained in the ſaid recited Act of the Forty-eighth Year of His preſent Majeſty's Reign, ſhall be applied and extended to the Exchequer Bills to be made out in purſuance of this Act, as fully and effectually to all Intents and Purpoſes as if the ſaid ſeveral Clauſes or Proviſoes had been particularly repeated and re-enacted in the Body of this Act.

Bills to bear an Intereſt of Two-pence per Cent. per Diem.

III. And be it further enacted, That the ſaid Exchequer Bills to be made out in purſuance of this Act ſhall and may bear an Intereſt not exceeding the Rate of Two-pence *per Centum per Diem* upon or in reſpect of the whole of the Monies reſpectively contained therein, and the Principal and Intereſt thereof reſpectively ſhall be made payable at ſuch Periods as ſhall be fixed by the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the ſaid Lord High Treaſurer for the Time being; but nevertheleſs ſo as that all ſuch Bills as ſhall be advanced for the carrying the Purpoſes of this Act into Execution, ſhall be made payable within Three Years from the iſſuing thereof; and the principal Sum contained in every ſuch Bill, and with ſuch Intereſt as aforeſaid, ſhall be paid off and diſcharged upon the Days and Times reſpectively appointed for the Payment thereof.

Times when payable.

Such Bills not to be received in Payment of any Tax before the Day appointed for their Payment, &c.

IV. Provided always, and be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or ſo many of them as ſhall from Time to Time remain undiſcharged and uncancelled after the reſpective Days on which they ſhall become due and payable, ſhall and may after that Time paſs and be current to all and every the Receivers and Collectors in *Great Britain* of the Cuſtoms, Exciſe, or any Revenue, Supply, Aid, or Tax whatſoever due or payable to His Majeſty, His Heirs or Succeſſors, and alſo at the Receipt of Exchequer at *Weſtminſter* from the ſaid Receivers or Collectors; but no ſuch Receiver or Collector ſhall exchange, at any Time before the ſaid Day of Payment thereof, for any Money of ſuch Revenues, Aids, Taxes, or Supplies in his Hands, any Exchequer Bill which ſhall have been iſſued as aforeſaid by virtue of this Act; nor ſhall any Action be maintained againſt ſuch Receiver or Collector for neglecting or refuſing to exchange any ſuch Exchequer Bill for ready Money before the ſaid Day of Payment thereof, any Thing in this Act to the contrary contained in anywiſe notwithſtanding; and that ſuch of the ſame Bills as ſhall be received at the ſaid Receipt of Exchequer ſhall and may be locked up and ſecured as Caſh, according to the Courſe of the ſaid Exchequer ſettled and eſtabliſhed by Law for locking up and ſecuring Monies received in Specie there.

Treaſury to direct the Exchequer to

V. And be it further enacted, That from Time to Time as the Commiſſioners for the Execution of this Act, to be appointed as is herein-after

provided, ſhall find it neceſſary to apply to the Purpoſes thereof any Amount of ſuch Bills to be advanced under the Proviſions of this Act, the ſaid Commiſſioners ſhall forthwith repreſent the ſame to the ſaid Lord High Treaſurer or Lords Commiſſioners of the Treaſury of *Great Britain* and *Ireland*; and the ſaid Lord High Treaſurer or Lords Commiſſioners, or any Three or more of them for the Time being, ſhall thereupon, if ſatisfied of ſuch Neceſſity, direct that ſuch Portion of ſuch Exchequer Bills ſhall be iſſued by the Auditor of the Receipt of the Exchequer at *Weſtminſter* for the Time being to the ſaid Commiſſioners for the Execution of this Act; and the ſaid Auditor ſhall, immediately on the Receipt of ſuch Direction, cauſe and direct to be delivered to the Secretary of the ſaid Commiſſioners, Exchequer Bills payable at ſuch Periods and to ſuch Amount as ſhall in ſuch Direction be ſpecified, provided that the Total Amount to be ſo iſſued by virtue of ſuch Certificates ſhall not at any one Time exceed the Amount of Exchequer Bills directed to be iſſued under this Act; and every ſuch Exchequer Bill ſhall bear Date on the Day on which the ſaid Direction ſhall be ſo received by ſuch Auditor, or ſuch other Day as ſhall in ſuch Direction be ſpecified; and all ſuch Exchequer Bills ſhall and may be ſigned by the Auditor of the Receipt of His Majeſty's Exchequer, or in his Name by any Perſon duly authorized by the ſaid Auditor to ſign Exchequer Bills.

Iſſue Bills in Great Britain, agreeably to Certificates of the Commiſſioners.

VI. And be it further enacted, That the Officer or Officers of the Exchequer, by whom ſuch Exchequer Bills ſhall be delivered, ſhall from Time to Time, upon Requiſition of the ſaid Commiſſioners for the Execution of this Act, deliver or cauſe to be delivered to them at their Office, complete Liſts of all the Exchequer Bills ſo made out and delivered, ſpecifying therein the reſpective Dates and Sums expreſſed therein, and the Periods appointed for the Payment of the ſame, and diſtinguiſh the Perſons to whom and the Numbers of the Certificates by virtue whereof the ſame reſpectively were made out and delivered.

Liſts of Exchequer Bills made out to be delivered to the Commiſſioners.

VII. And be it further enacted, That it ſhall be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majeſty, at the Receipt of the Exchequer of *Great Britain*, upon the Credit of the Exchequer Bills iſſued under this Act, any Sum or Sums of Money not exceeding in the whole the Sum of One Million; any Thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to their Majeſties ſeveral Rates and Duties upon Tonnage of Ships and Veſſels, and upon Beer, Ale, and other Liquors; and for ſecuring certain Recompences and Advantages in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the Sum of One million five hundred thouſand Pounds towards carrying on the War againſt* France, to the contrary thereof in anywiſe notwithſtanding.

Bank may advance Money on the Credit of this Act.

5 & 6 W. & M. c. 20.

VIII. And be it further enacted, That it ſhall be lawful for His Majeſty, by Letters Patent under the Great Seal of the United Kingdom, to nominate, conſtitute, and appoint ſuch Perſons as His Majeſty ſhall deem fit to be His Commiſſioners for carrying into Execution the Purpoſes of this Act, and to order and direct in ſuch Appointment that any Five or more of ſuch Commiſſioners may act in the Execution of the Powers of this Act; and ſuch Commiſſion ſhall continue in force for the Term of Ten Years

His Majeſty empowered to appoint Commiſſioners.

Years from the Date of such Letters Patent, unless His Majesty shall think fit sooner to alter or revoke the same.

Commissioners to examine the State of Parishes.

IX. And be it further enacted, That the said Commissioners shall examine into the present State of the Parishes and Extra-parochial Places in the Metropolis and its Vicinity, and in all other Parts of *England* and *Wales*, so far as conveniently may be, for the Purpose of ascertaining the Parishes and Places in which additional Churches or Chapels for the Performance of Divine Service, according to the Rites of the United Church of *England* and *Ireland* as by Law established, are most required, and the most effectual and proper Means of affording such Accommodation.

Commissioners may appoint Secretary and Clerk, and order Surveys, Reports, &c. and assign reasonable Salaries.

X. And be it further enacted, That it shall be lawful for the said Commissioners to appoint a Secretary and Clerk, and to employ such Surveyors and other fit Persons to make Plans and Estimates, and (if the Commissioners shall deem the same necessary) Surveys and Reports for the Purpose of affording to the Commissioners all such Information as they may require for the Purpose of ascertaining the best Mode of providing fit and proper Accommodation for the largest Number of Persons at the least Expence; and may assign and pay to all such Persons reasonable Salaries or Rewards for their Services therein.

Treasury to issue Money for defraying Charges incurred in the Execution of this Act, of which an Account shall be laid before Parliament.

XI. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being, and they are hereby respectively authorized, to issue and advance, or cause to be issued and advanced, all such Sums of Money as shall appear to them to be necessary, to such Person or Persons, in such Manner and in such Proportions as the Commissioners for the Execution of this Act, or any Five or more of them respectively, shall by Writing under their Hands from Time to Time desire, and as shall be approved by the said Lord High Treasurer or Lords Commissioners of the Treasury, or any Three or more of them for the Time being; and such Sums respectively shall and may be issued out of any Part of the Public Monies remaining in His Majesty's Exchequer at *Westminster*; which Sums so to be issued and advanced shall be applied to the Payment of Allowances and Rewards as aforesaid, and in defraying all other necessary Charges and Expences in or about the Execution of this Act, without other Account than before the said Commissioners of His Majesty's Treasury; and which Money so to be issued shall not be subject to any Tax, Duty, Rate or Assessment whatsoever, imposed by Authority of Parliament; but that an Account of the said Charges and Expences, so long as the said Commission shall remain in force, shall be laid before both Houses of Parliament on or before the Twenty-fifth Day of *March* in each Year, if Parliament shall be then sitting; but if Parliament shall not be then sitting, then within Fourteen Days after the Commencement of the then next Session of Parliament.

Commissioners to draw up Rules for their Proceedings, and fix the Sums to be allowed for building

XII. And be it further enacted, That the said Commissioners shall, as soon after their Appointment as the obtaining necessary Information will allow, draw up certain Rules for their general Proceedings, and shall fix and specify therein the largest Amount of Allowances to be granted for building any Church, and make such other Regulations as the said Commissioners shall

ſhall deem expedient and neceſſary to be fixed and known, for the Furtherance of the Purpoſes of the Act, and from Time to Time, as Occaſion may require, ſhall have Power to alter or vary any ſuch Regulations, and to make any ſuch further or additional Regulations as they may deem expedient; and all ſuch Rules and Regulations ſhall be laid before His Majeſty in Council, who ſhall have Power to approve or diſallow the ſame.

Churches, and advancing Money to Pariſhes, and lay ſuch Rules before His Majeſty in Council.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to make, in His Majeſty's Name, out of the Sum ſo appropriated by this Act, Grants for building, or to cauſe to be built, Churches or Chapels in ſuch Pariſhes or Extra-parochial Places only in which there is a Population of not leſs than Four thouſand Perſons, and in which there is not Accommodation in the Churches or Chapels therein for more than One-fourth Part of ſuch Population to attend Divine Service according to the Rites of the United Church of *England* and *Ireland*, or in which there ſhall appear to the ſaid Commiſſioners to be One thouſand Perſons reſident more than Four Miles from any ſuch Church or Chapel, and in which the Commiſſioners ſhall be ſatisfied, from the Circumſtances of ſuch Pariſh or Extra-parochial Place, of the Inability of the Pariſhioners and Inhabitants thereof to bear any Part of the Charge of ſuch Building in addition to the Charge herein-after mentioned; and alſo to make Grants or Loans to aſſiſt in building ſuch Churches and Chapels in ſuch other Pariſhes or Places as may contain a like Population, and may equally require further Accommodation for Divine Service, but in which the ſaid Commiſſioners may deem the Pariſhioners and Inhabitants thereof capable of bearing a Part of the Expence of erecting ſuch Churches and Chapels, or of repaying the ſame by Inſtalments, if advanced by way of Loan.

Commiſſioners may grant Money for the building of Churches in Pariſhes of certain Population, and in want of Accommodation.

XIV. And whereas the Sum granted by this Act is inadequate to the affording Grants to all the Pariſhes and Extra-parochial Places in want of ſufficient Accommodation for Attendance upon ſuch Divine Service as aforeſaid: And whereas many of ſuch Pariſhes and Extra-parochial Places may be diſpoſed to raiſe by Rates, within limited Periods, certain Proportions of the Sums required to build ſuch Churches or Chapels reſpectively, or well-diſpoſed Perſons within the ſame or elſewhere may be willing to raiſe by Subſcription ſuch Proportions, or ſuch a Part thereof as, together with the Money to be raiſed by Rate, will amount to ſuch Proportion; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, upon any Pariſh or Extra-parochial Place ſo offering to contribute or raiſe by Rates or Subſcription, or by Rates aided by Subſcription, ſuch Proportion of the Expence of building any Church or Chapel, or Churches or Chapels which may be required in any ſuch Pariſh or Extra-parochial Place, as ſhall have been fixed as a proper Proportion by the ſaid Commiſſioners according to any ſuch Rules and Regulations as aforeſaid, or ſhall be deemed by the ſaid Commiſſioners a proper Proportion, and they are hereby empowered to grant to any ſuch Pariſh or Extra-parochial Place the remaining Sum neceſſary to build any ſuch Church or Churches, or Chapel or Chapels, and to advance and lend to ſuch Pariſh or Extra-parochial Place any Part of the Proportion ſo propoſed to be raiſed by Rates as aforeſaid.

Commiſſioners may make Grants and advance Money to build Churches in Pariſhes, &c. where a certain Proportion of the Expence is raiſed by Rate or Subſcription.

XV. Provided always, and be it further enacted, That the ſaid Commiſſioners, in the Selections of Pariſhes and Extra-parochial Places for making their Diſtribution of the Sums granted by this Act, ſhall have regard to the Amount

Commiſſioners, in ſelecting Pariſhes for Grants, ſhall have re-

gard to their relative Proportions of Population and Want of Accommodation; and, in giving Preference of Grants, shall have regard to the Proportion of Expence offered to be contributed towards building the required Churches, &c. and also in the Order of providing Sites.

Amount of Population in such Parishes and Extra-parochial Places, and also to the Disproportion between the Number of Inhabitants and the present Accommodation for Attendance upon Divine Service according to the Rites of the United Church of *England* and *Ireland* as by Law established; and, in giving Preference among such Parishes and Extra-parochial Places, shall have regard to the Proportion of the Expence of affording the Accommodation required which shall be offered to be contributed or raised in Aid of the Purposes of this Act, towards the building Churches or Chapels in such respective Parishes or Extra-parochial Places, and to the pecuniary Ability of the Inhabitants of such Parishes or Places; and the said Commissioners, in giving Preference as between Parishes and Extra-parochial Places not offering to contribute any Proportion of such Expence as aforesaid, shall have regard to the Order of Priority in which Parishes and Extra-parochial Places under similar Circumstances as to Population, and Disproportion between such Population and the Accommodation afforded by the Churches and Chapels therein, shall have provided and given Notice to the Commissioners of having provided Sites for the Churches intended to be built in such respective Parishes or Extra-parochial Places.

Upon Representation of the Commissioners in Manner stated, Parishes may be divided into separate Parishes for all Ecclesiastical Purposes.

XVI. And be it further enacted, That in every case in which the said Commissioners shall be of opinion that it will be expedient to divide any Parish into Two or more distinct and separate Parishes for all ecclesiastical Purposes whatever, it shall be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese in which such Parish is locally situated, signified under his Hand and Seal, to apply to the Patron or Patrons of the Church of such Parish, for his Consent to make such Division, and for such Patron or Patrons to signify his or their Consent thereto under his Hand and Seal; and the said Commissioners shall, upon the Consent of the said Patron or Patrons so signified, represent the whole Matter to His Majesty in Council, and shall state in such Representation the Bounds by which it is proposed, with such Consent as aforesaid, to divide such Parish, together with the relative and respective Proportions of Glebe Land, Tithes, Moduses, or other Endowments, which will by such Division arise and accrue, and remain and be, within each of such respective Divisions; and also the relative Proportions of the estimated Amount of the Value or Produce of Fees, Oblations, Offerings, or other Ecclesiastical Dues or Profits which may arise and accrue within each of such respective Divisions; and if thereupon His Majesty in Council shall think fit to direct such Division to be made, such Order of His Majesty in Council shall be valid and good in Law for the Purpose of effecting such Division: Provided always, that no such Division of any Parish into distinct Parishes shall completely take effect until after the Death, Resignation, or other Avoidance of the existing Incumbent of the Parish to be divided.

Tithes, &c. to belong to the Incumbent of the Division.

XVII. Provided always, and be it further enacted, That all Tithes, Moduses, Endowments, or other Ecclesiastical Dues or Profits belonging to the Incumbent of any such Parish, whether by Endowment, Prescription, Usage, or otherwise, shall, when so divided as aforesaid, belong to and be recoverable by the Incumbents of the Churches of each of the Divisions respectively of the Parish to which they shall be assigned, in like Manner in every respect as they were before recoverable by the Incumbent of the original Parish.

XVIII. Provided

XVIII. Provided always, and be it further enacted, That during the Incumbency of the exiſting Incumbent of any ſuch Pariſh, every new Church therein built, purchaſed, aſſigned, or provided as the intended Pariſh Church of any Diviſion intended to become and be a diſtinct Pariſh, ſhall remain a Chapel of Eaſe, and ſhall be ſerved, during the Incumbency of ſuch Incumbent of the original Pariſh, by a Curate to be nominated by ſuch Incumbent, and licenſed by the Biſhop of the Dioceſe, and paid in Manner herein-after directed. New Churches of ſuch divided Pariſhes to remain Chapels of Eaſe during the Incumbency of exiſting Incumbent.

XIX. And be it further enacted, That every ſuch diſtinct and ſeparate Pariſh as aforeſaid ſhall, when ſuch Diviſion as aforeſaid ſhall become complete by the Death, Reſignation, or other Avoidance of the exiſting Incumbent of the original Pariſh, be deemed either a Rectory, Vicarage, Donative, or Perpetual Curacy, and the Spiritual Perſon ſerving the ſame, the Rector, Vicar, or Perpetual Curate thereof, or Perſon having Cure of Souls therein, according to the Nature of the original Church of the Pariſh ſo divided, and ſhall be for ever thereafter ſubject to the Laws, Proviſions, and Regulations, as to Preſentation and Appointment, and as to Inſtitution, Collation, Induction, or Licence, and to all ſuch Juriſdiction of the Biſhop, or other Juriſdiction, and to holding Benefices, as are by Law applicable to the original Pariſh. New Churches, when Diviſion complete, to be Rectories, Vicarages, or Perpetual Curacies, like original Pariſh.

XX. Provided always, and be it enacted, That all ſuch Donatives and Perpetual Curacies ſhall be ſubject to Lapſe as Benefices, if no Appointment of a Spiritual Perſon thereto ſhall be made within Six Months after any Death, Reſignation, Removal, or other Avoidance of the Incumbents thereof reſpectively: Provided alſo, that no Spiritual Perſon appointed to any ſuch Donative or Perpetual Curacy ſhall be removable at the Pleaſure of any Perſon, or Body Corporate or Politic, having the Power of Appointment thereto. Donatives to lapſe, if no Appointment made in Six Months.

XXI. And be it further enacted, That in any Caſe in which the ſaid Commiſſioners ſhall be of opinion that it is not expedient to divide any populous Pariſh or Extra-parochial Place into ſuch complete, ſeparate, and diſtinct Pariſhes as aforeſaid, but that it is expedient to divide the ſame into ſuch Eccleſiaſtical Diſtricts as they, with the Conſent of the Biſhop ſignified under his Hand and Seal, may deem neceſſary for the Purpoſe of affording Accommodation for the attending Divine Service according to the Rites of the United Church of *England* and *Ireland*, to Perſons reſiding therein, in the Churches and Parochial Chapels already built, or in additional Churches or Chapels to be built therein, and as may appear to ſuch Commiſſioners to be convenient for the enabling the Spiritual Perſon or Perſons who may ſerve ſuch Churches or Chapels to perform all Eccleſiaſtical Duties within the Diſtricts attached to ſuch reſpective Churches and Chapels, and for the due Eccleſiaſtical Superintendence of ſuch Diſtrict, and the Preſervation and Improvement of the religious and moral Habits of the Perſons reſiding therein, the ſaid Commiſſioners ſhall repreſent ſuch Opinion to His Majeſty in Council, and ſhall ſtate in ſuch Repreſentation the Bounds by which ſuch Diſtricts are propoſed to be deſcribed; and if thereupon His Majeſty in Council ſhall think fit to direct ſuch Diviſion to be made, ſuch Order of His Majeſty in Council ſhall be valid and good in Law for the Purpoſe of effecting ſuch Diviſion; or in any Caſe in which the ſaid Commiſſioners ſhall be of Opinion Commiſſioners may divide Pariſhes into Eccleſiaſtical Diſtricts, or build or aid the building Chapels, to be ſerved by Curates to be appointed by the Incumbent of the Pariſh.

Opinion that it is not expedient to make any ſuch Diviſion into ſuch Eccleſiaſtical Diſtricts as aforeſaid, the ſaid Commiſſioners may build or aid the Building of any additional Chapels in any ſuch Pariſhes or Extra-parochial Places, to be ſerved by Curates to be reſpectively nominated and appointed by the reſpective Incumbents of the Churches of the reſpective Pariſhes or Extra-parochial Places, and licenſed by the Biſhop of the Dioceſe; ſuch Curates to be paid ſuch Salaries as ſhall be aſſigned by the ſaid Commiſſioners, under the Proviſions of this Act, in Manner herein-after directed.

Diſtricts when made to be deſcribed, and Deſcription of Boundaries enrolled in Chancery.

XXII. And be it further enacted, That the ſeveral new Pariſhes created by any ſuch complete Diviſion as aforeſaid, and alſo the ſeveral Diſtricts of any Pariſh or Extra-parochial Place where any ſuch Diviſion thereof ſhall have been ſo made as aforeſaid, ſhall be aſcertained and marked out by deſcribed Bounds, and the Deſcription of ſuch Bounds ſhall be enrolled in the High Court of Chancery, and be regiſtered in the Office of Regiſtry of the Dioceſe, and Notice thereof given in ſuch Manner as the Commiſſioners ſhall deem neceſſary and direct for that Purpoſe.

Commiſſioners may alter ſuch Boundaries.

XXIII. And be it further enacted, That if His Majeſty in Council, upon the Repreſentation of the ſaid Commiſſioners, made with the Conſent of the Biſhop of the Dioceſe, ſignified under his Hand and Seal, ſhall think fit to alter ſuch Boundaries at any Time within Five Years after ſuch Enrolment, ſuch Order in Council ſhall be valid and good in Law for the Purpoſe of effecting ſuch Alteration, and the ſame ſhall be enrolled and regiſtered in like Manner as is above mentioned.

Diſtricts to be ſeparate Pariſhes for Eccleſiaſtical, but for no other Purpoſes.

XXIV. And be it further enacted, That ſuch Boundaries ſhall continue and be the Boundaries of ſuch Pariſhes or Diſtricts reſpectively, unleſs ſo altered, and ſuch Diſtricts ſhall thereupon become and be called Diſtrict Pariſhes, by ſuch Names as ſhall be given to them reſpectively in the Inſtrument ſo enrolled as aforeſaid, and ſhall become and be ſeparate and diſtinct Diſtrict Pariſhes, and the Churches and Chapels reſpectively aſſigned to ſuch Diſtricts ſhall, when duly conſecrated for that Purpoſe, become and be the Diſtrict Pariſh Churches of ſuch Diſtrict Pariſhes, for all Purpoſes of Eccleſiaſtical Worſhip and Performance of Eccleſiaſtical Duties, and as to all Marriages, Chriſtenings, Churchings, and Burials, and the Regiſtry thereof reſpectively within the ſame, and in relation to all Fees, Oblations, and Offerings, and the demanding, ſuing, and proſecuting for and recovering the ſame, and as to all other Purpoſes whatſoever, ſave and except as is in this Act particularly excepted.

Churches and Chapels of ſuch Diſtricts to be deemed Benefices.

XXV. And be it further enacted, That every Church and Chapel built or acquired under the Proviſions of this Act, and appropriated to any ſuch Diſtrict Pariſh ſo made under the Proviſions of this Act, ſhall be deemed a Perpetual Curacy, and ſhall be conſidered in Law as a Benefice Preſentative, ſo far only as that the Licence thereto ſhall operate in the ſame Manner as Inſtitution to any ſuch Benefice, and ſhall render voidable other Livings in like Manner as Inſtitution to any ſuch Benefice, and the Spiritual Perſon ſerving the ſame ſhall be deemed the Incumbent thereof; and ſuch Incumbents ſhall have perpetual Succeſſion, and ſhall be and are hereby declared to be Bodies Politic and Corporate, and may receive and take ſuch Endowments in Lands or Tithes, or both, or any ſuch Augmentation as ſhall be granted to them or their Succeſſors; and all ſuch Incumbents,

Incumbents, and all Perſons preſenting or appointing any ſuch Incumbents ſhall reſpectively be ſubject to all Juriſdictions and Laws Eccleſiaſtical or Common, and to all Proviſions, Regulations, Penalties, and Forfeitures contained in any Acts of Parliament in force relating thereto reſpectively; and in caſe of any Failure or Neglect in not preſenting or nominating any ſuch Incumbent for the Space of Six Months, ſuch Preſentation or Appointment ſhall thereupon lapſe as in Caſes of actual Benefices.

No ſuch Diſtrict Church or Chapel to be held with the original Church.

XXVI. Provided alſo, and be it further enacted, That no ſuch Church or Chapel of any ſuch Pariſh or Diſtrict Pariſh created according to the Proviſions of this Act, ſhall be tenable or holden with the original Church of the Pariſh or Extra-parochial Place out of which ſuch Pariſh or Diſtrict Pariſh ſhall have been taken, or with the Church or Chapel of any other ſuch Pariſh or Diſtrict Pariſh.

All Acts of Parliament, &c. relating to publiſhing Banns of Marriage, Marriages, &c. to apply to ſuch Churches and Chapels.

XXVII. And be it further enacted, That all Acts of Parliament, Laws, and Cuſtoms relating to publiſhing Banns of Marriage, Marriages, Chriſtenings, Churchings and Burials, and the regiſtering thereof, and to all Eccleſiaſtical Fees, Oblations, or Offerings, ſhall apply to ſuch ſeparate and diſtinct Pariſhes and Diſtrict Pariſhes ſo made as aforeſaid, when they ſhall ſo become complete, ſeparate, and diſtinct Pariſhes or Diſtrict Pariſhes, under the Proviſions of this Act, after the Death, Reſignation, or other Avoidance of the exiſting Incumbents reſpectively in each ſuch Pariſh or Extra-parochial Place, and to the Churches and Chapels thereof, and to the Eccleſiaſtical Perſons having Cure of Souls, or ſerving the ſame, in like manner in every reſpect as if the ſame reſpectively had been ancient, ſeparate, and diſtinct Pariſhes and Pariſh Churches by Law, to all Intents and Purpoſes.

Banns not to be publiſhed, or Marriages, &c. had, in any ſuch Diſtrict Church or Chapel, until after the Death, Reſignation, or Avoidance of the Incumbent at the Time of Conſecration of the Church or Chapel.

XXVIII. Provided always, and be it further enacted, That no Banns of Matrimony ſhall be publiſhed, or Marriages celebrated or ſolemnized, or Baptiſms or Churchings had, by any Perſon whatever, within any Church or Chapel of any ſuch ſeparate and diſtinct Pariſh, ſo made by any ſuch Diviſion as aforeſaid, or in any private Houſe therein, or within any ſuch Diſtrict Church or Chapel, or in any private Houſe within ſuch Diſtrict, nor ſhall any Burials be performed within any Cemetery appertaining or belonging to any ſuch Church or Chapel by any Perſon whatever, except by the Incumbent of the Church of the Pariſh or Extra-parochial Place from which ſuch Pariſh ſhall have been ſeparated, or ſome Curate of ſuch Incumbent duly licenſed in that Behalf, until after the Death, Reſignation, or other Avoidance of the Spiritual Perſon who ſhall be the Incumbent of the Church of the Pariſh or the Extra-parochial Place at the Time of the Conſecration of any ſuch Church or Chapel of any ſuch ſeparated Pariſh or Diſtrict Pariſh; and from and after the Death, Reſignation, or other Avoidance of the then Incumbent, to be certified under and according to the Proviſions of this Act, Banns of Matrimony may be publiſhed, and Marriages celebrated and ſolemnized, and Baptiſms, Burials, and Churchings had, within the Church or Chapel of any ſuch ſeparated Pariſh or Diſtrict Pariſh, provided the ſame be reſpectively publiſhed, celebrated, ſolemnized, and had, according to the Laws and Canons in force within the Realm in that Behalf; and all ſuch Banns as ſhall be publiſhed, and alſo all and every ſuch Marriage and Marriages as ſhall be celebrated and ſolemnized in any ſuch Church or

Chapel, after the Entries, under and according to the Provifions of this Act, of the Notification, under the Hand and Seal of the Bifhop of the Dioceſe, of the Death, Reſignation, or other Avoidance of the Incumbent of the Church of the Pariſh or Extra-parochial Place, ſhall be as good, valid, and effectual to all Intents and Purpoſes as if the ſame were publiſhed, celebrated, and ſolemnized in the Church of the Pariſh or Extra-parochial Place in which the ſame ſhall be ſituate.

Death, &c. of Incumbent of Church to be notified by Biſhop, and entered in the Regiſter Books of the Pariſh Church and of the Chapel, and ſuch Entries to be good Evidence of the Commencement of Publication of Banns, &c. in the Chapel.

XXIX. And be it further enacted, That the Death, Reſignation, or other Avoidance of the Spiritual Perſon who was the Incumbent of the Church of any Pariſh and Extra-parochial Place in which any ſuch ſeparated Pariſh or Diſtrict Church or Chapel ſhall be ſo conſecrated as aforeſaid, at the Time of ſuch Conſecration ſhall be notified by the Biſhop of the Dioceſe, under his Hand and Seal, to the Spiritual Perſon then ſerving the Church or Chapel, and to the Churchwardens of the Pariſh or Place in which the Church or Chapel ſhall be ſituate; and ſuch Notifications ſhall be preſerved with, and Copies thereof ſhall be entered in the Books of Regiſters of Marriages, Births, and Burials of the Church of the Pariſh or Extra-parochial Place, and Copies of ſuch Notifications ſhall be alſo entered in the Books of Regiſters to be provided for entering the Publications of Banns, and Solemnization of Marriages, and the Baptiſms and Burials in ſuch Chapels, and ſuch Entries ſhall be authenticated by the Churchwardens of ſuch Churches and Chapels reſpectively, and ſhall be ſufficient Evidence of the Period of Commencement, under the Provifions of this Act, of the Publication of Banns, and Solemnization of Marriages and Baptiſms, and Performance of Burials, in any ſuch Chapel or any Cemetery thereof.

Diviſion not to affect Glebe, Tithe, Moduſes, &c. but original Pariſh to remain as to all ſuch Rights, &c.

XXX. And be it further enacted, That ſuch Diviſion of any Pariſh into Diſtrict Pariſhes only, and not into complete, ſeparate, and diſtinct Pariſhes, ſhall not in any Manner affect any Land, Glebe, Tithes, Moduſes, or Endowment of or belonging to the original Church of the Pariſh or Extra-parochial Place, all which ſhall continue to belong to the Incumbent thereof, and to be holden, demanded, taken, and received by him in like Manner to all Intents and Purpoſes as if no ſuch Diviſion had taken place; and the original Pariſh ſhall remain and continue a Pariſh, as to all ſuch Glebe Land, Tithes, Moduſes, and Endowment, and all Dues, Rights, and Remedies in relation thereto, as if this Act had not paſſed.

Not to affect Poor or other Parochial Rates.

XXXI. And be it further enacted, That no Diviſions of any Pariſh or Extra-parochial Place, whether it be divided into ſeparate Pariſhes with the Conſent of the Patron and Biſhop of the Dioceſe, or into Diſtrict Pariſhes, nor any Thing in this Act contained in relation thereto, ſhall affect, or in any Manner be conſtrued to affect, any Pariſh or Extra-parochial Place ſo divided, or the Perſons reſiding therein, in any other reſpect than in this Act particularly provided, or in any Manner to apply to any Poor or other Parochial Rates which may be raiſed in the Pariſh or Extra-parochial Place ſo divided, or in any ſuch ſeparated Pariſh or Diſtrict Pariſh, or to the Maintenance or Relief of Poor Perſons, or to any Title or Claim to ſuch Relief, or to any Powers relating to any ſuch Rates, or holding Veſtries, or Appointment or Powers of Pariſh Officers, or any ſuch Relief or Claim thereto, or to any Act or Acts of Parliament, or Law or Cuſtom relating thereto, ſave and except as to Church Rates, in ſo far as the ſame

are regulated by the Provisions of this Act; but the original Parish shall to all such Purposes remain and continue in Law a Parish to all Intents, as if no such Division thereof into separate Parishes or District Parishes had been made.

Commissioners may ascertain and make Compensation for Losses from Oblations, Offerings, &c.

XXXII. And be it further enacted, That the said Commissioners may ascertain the average Amount, in any Parish or Extra-parochial Place, of all Fees, Oblations, and Offerings, whether voluntary or otherwise, for the Three Years preceding the making any such Division into District Parishes, and also for each Year subsequent to such Division, during the Incumbency of the existing Incumbent, and may for that Purpose summon and examine upon Oath the Incumbent or any other Person or Persons, and require the Production of and examine any Books or Papers necessary for that Purpose, and shall thereupon cause Compensation to be made out of the Monies granted by this Act to the Incumbent of any such Parish, during his Incumbency, for any Loss which he may sustain by reason of the Diminution thereof, in consequence of any such Division into District Parishes, and of such Fees, Oblations, and Offerings being transferred thereby to the Spiritual Persons serving the Churches or Chapels of District Parishes under the Provisions of this Act: Provided always, that no such Ascertainment or Compensation made thereupon, or Inquiry made, or Matter or Thing done, or Evidence given or produced in relation thereto, shall in any Manner affect or prejudice any Question as to any Right or Claim in relation to any such Fees, Oblations, or Offerings.

Commissioners may accept Sites for Churches to be devoted to Ecclesiastical Purposes.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to accept and take any Building or Buildings fit to be used for or to be converted into such additional Churches or Chapels, and also any Lands, Tenements, and Hereditaments proper for Sites of additional Churches or Chapels, not exceeding in Quantity in any one Place what may be sufficient for building of a Church or Chapel, providing a Churchyard, and making a proper and sufficient Access or Approach thereto, from any Persons willing to give the same; and every such Site, when conveyed to the said Commissioners, and the Church erected thereupon, and Notice thereof given to the Bishop of the Diocese, shall become for ever thereafter devoted to Ecclesiastical Purposes only, in order that the same may be consecrated by the Bishop to Public Worship according to the Rites of the United Church of *England* and *Ireland*, as by Law established: And it shall also be lawful for the said Commissioners to accept and take from any Person willing to give the same, any House, Garden, and Appurtenances, not exceeding Ten Acres in the whole, for the Residence of the Spiritual Person serving such Church or Chapel, or any Land, not exceeding the said Ten Acres in Quantity, for erecting such House and Appurtenances and making such Garden, and the same shall (immediately upon or after the Consecration of such Church or Chapel) become and be the House and Glebe belonging to such Church or Chapel, and vest in the Incumbent for the Time being as such.

Commissioners of Woods, with Consent of Treasury and Duchy of Lancaster and Cornwall,

XXXIV. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, by and with the Consent of the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of

may grant Sites for building ſuch Churches or Chapels.

of them, in Writing, or for His Majeſty by any Grant ſigned by the Chancellor of the Duchy of *Lancaſter* for the Time being, or for the Duke of *Cornwall* by any Grant ſigned by the Chancellor of the Duchy of *Cornwall* for the Time being, or for any Body Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, to grant any ſuch Building or Buildings, or any Site or Sites for the building of any ſuch Churches or Chapels, with or without Cemeteries thereto, and any Houſe or Appurtenances and Garden for the Reſidence of the Spiritual Perſon who may ſerve the Church or Chapel.

Pariſhes and Extra-parochial Places to furniſh Sites when required by Commiſſioners.

XXXV. And be it further enacted, That all ſuch Pariſhes and Extra-parochial Places as ſhall be required by the Commiſſioners, ſhall furniſh Sites for ſuch additional Churches or Chapels as the Commiſſioners may deem neceſſary to be built under the Proviſions of this Act; and that as ſoon as the Commiſſioners ſhall have fixed upon any Pariſh or Extra-parochial Place as being one in which it is neceſſary that a Church or Chapel ſhould be built under the Proviſions of this Act, they ſhall give Notice to the Churchwardens thereof, by cauſing ſuch Notice to be left at their reſpective Places of Abode, of their Intention to build or cauſe to be built ſuch Church or Chapel, and of the Extent of Ground which will be required for the Site thereof, and making a proper Acceſs and Approach thereto, and of the Part of the Pariſh or Extra-parochial Place within which the ſame are required to be provided; and the ſaid Churchwardens ſhall within the Space of Fourteen Days call a Meeting of the Veſtry or Select Veſtry of the Pariſh or Extra-parochial Place, or the Perſons poſſeſſing under any Act or Acts of Parliament the Powers of Veſtry of the Pariſh or Extra-parochial Place, for the Purpoſe of taking all ſuch Meaſures as may be neceſſary for providing ſuch Site and Approach thereto as aforeſaid; and in caſe ſuch Pariſh or Extra-parochial Place ſhall not be able to provide the ſame without Purchaſe, then the Veſtry or Select Veſtry, or the Perſons poſſeſſing as aforeſaid the Powers of Veſtry, ſhall and are hereby required forthwith to proceed to treat for a Site and Approach thereto according to ſuch Notice, but ſhall not conclude any Bargain for the ſame without the Approbation of the Commiſſioners.

Bodies Politic empowered to ſell and convey Sites.

XXXVI. And be it further enacted, That it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, and Adminiſtrators, and all other Perſons and Truſtees whomſoever, not only for or on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on behalf of Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and for every other Perſon or Perſons whomſoever who ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, and Hereditaments which ſhall be ſet out and aſcertained for any ſuch Site, to contract for, ſell, and convey, or if Copyhold, to enfranchiſe the ſame and every Part thereof, unto the ſaid Commiſſioners under the Proviſions of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances ſhall be valid and effectual in the Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom to the contrary thereof in anywiſe notwithſtanding;

ſtanding; and all Bodies Politic, Corporate, or Collegiate, and all Perſons whomſoever ſo conveying as aforeſaid, are hereby indemnified for or in reſpect of any ſuch Sale which he, ſhe, or they, or any of them, ſhall reſpectively make by virtue or in purſuance of this Act.

Form of Conveyance to the Commiſſioners.

XXXVII. And be it further enacted, That all Conveyances and Aſſurances which ſhall be made of any Lands or Hereditaments to the ſaid Commiſſioners, or any other Perſon or Perſons, for the Purpoſes of this Act, ſhall be made according to the Form following, or as near thereto as the Circumſtances of the Caſe will admit (except in Caſes of Purchaſes of Lands belonging to His Majeſty, His Heirs or Succeſſors, or to the Duchy of *Cornwall*, for which Proviſion is herein-after made); *videlicet*,

'I, [*or* we] of in conſideration
'of the Sum of to me [*or* us] paid, do hereby
'grant and releaſe to all [*deſcribing the Premiſes to be conveyed*]
'and all my Right, Title, and Intereſt to and in the ſame, and every Part
'thereof, to hold to the ſaid and their Succeſſors, and to be
'devoted, when conſecrated, to Eccleſiaſtical Purpoſes for ever, by virtue and
'according to the true Intent and Meaning of an Act paſſed in the Fifty-
'eighth Year of the Reign of His Majeſty King *George* the Third, inti-
'tuled [*here ſet forth the Title of this Act*]. In Witneſs whereof I have
'hereunto ſet my Hand and Seal, this Day of
'in the Year of our Lord

And all ſuch Conveyances and Aſſurances ſhall be valid and effectual in the Law to all Intents and Purpoſes, and ſhall be a complete Bar to all Eſtates Tail and other Eſtates, Rights, Titles, Truſts and Intereſts, and Incumbrances whatſoever.

Conveyance by Lords of Manors of Lands taken from Commons, to be ſufficient.

XXXVIII. And be it further enacted, That in all Caſes where there ſhall be Occaſion to take Part of any Common or Waſte Grounds for the Purpoſes of this Act, the Conveyance thereof by the Lord and Lady of the Manor wherein the ſame ſhall be ſituate, ſhall be a good and ſufficient Conveyance for the Purpoſe of veſting the Fee-ſimple and Inheritance thereof under this Act as fully and effectually as if every Perſon having Right of Common upon ſuch Commons or Waſte Grounds had joined in and executed ſuch Conveyance; and that the Compenſation to be paid for any Right of Common upon any ſuch Commons or Waſte Grounds as aforeſaid ſhall be paid to the Churchwardens of the reſpective Pariſhes wherein ſuch Commons or Waſte Grounds ſhall lie, and ſhall be by ſuch Churchwardens received and applied for ſuch general or public Purpoſes within ſuch Pariſhes reſpectively as a Veſtry of every ſuch Pariſh, to be convened by ſuch Churchwardens for that Purpoſe, ſhall direct, except as is in this Act otherwiſe provided.

Satisfaction to be made.

XXXIX. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Truſtees, or other Perſons herein-before capacitated to ſell and convey any Lands, Tenements, and other Hereditaments, or enfranchiſe any Copyholds, or any Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments required to be taken for the Purpoſes of this Act, may accept and receive Satisfaction for the Value of ſuch Lands, Tenements, and Hereditaments, or of any ſuch Intereſts as aforeſaid; and from

and immediately after the Time of making and executing ſuch Sale and Conveyance, or any Contract or Contracts for the ſame, the ſaid Commiſſioners, or any Perſon or Perſons purchaſing the ſame, under the Proviſion and for the Purpoſes of this Act, may and ſhall be at liberty to enter upon, and from thenceforth for ever to have, take, and uſe the ſaid Lands, Tenements, and other Hereditaments for the Purpoſes of this Act; and in caſe the Parties intereſted in ſuch Lands, Tenements, or Hereditaments, cannot or do not agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Verdict of a Jury, as is herein-after directed.

If Parties cannot agree, Price to be ſettled by a Jury.

If Parties are diſſatisfied, or refuſe or are unable to treat, &c. a Jury to be impannelled to decide the Matter.

XL. And for ſettling all Differences which may ariſe between the ſaid Commiſſioners and the ſeveral Owners of or Perſons intereſted in any Lands, Tenements, or other Hereditaments which ſhall or may be taken or uſed for the Purpoſes of this Act; be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Perſon or Perſons ſo intereſted for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Ceſtuique Truſts, or of any other incapacitated Perſon or Perſons as aforeſaid, ſhall refuſe to accept ſuch Purchaſe Money or other Compenſation as ſhall be offered by them the ſaid Commiſſioners, or their Agent by or on their Behalf, and ſhall give Notice thereof in Writing to the Secretary for the Time being to the ſaid Commiſſioners within Seven Days next after ſuch Offer ſhall have been made, and the Party or Parties giving ſuch Notice as aforeſaid ſhall therein requeſt that the Matter or Matters in diſpute may be ſubmitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any other Perſon or Perſons ſeiſed or poſſeſſed of or intereſted in any ſuch Lands, Tenements, or Hereditaments as aforeſaid, ſhall refuſe to treat or agree, or ſhall not agree, or by reaſon of Abſence or Diſability cannot agree with the ſaid Commiſſioners, or with any Perſon or Perſons authorized by them, for the Sale and Conveyance of their reſpective Eſtates and Intereſts therein, or cannot be found or known, or ſhall not produce and evince a clear Title to the Premiſes they may be in Poſſeſſion of, or to the Intereſt they ſhall claim therein, to the Satisfaction of the ſaid Commiſſioners, or of the Perſon or Perſons authorized by them; then and in every ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby empowered and required from Time to Time to iſſue a Warrant under their Common Seal, to the Sheriff of the County in which ſuch Lands, Tenements, or Hereditaments ſhall lie, or the Matter in queſtion or diſpute ſhall ariſe; or in caſe ſuch Sheriff or his Under Sheriff ſhall happen to be one of the ſaid Commiſſioners, or ſhall enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter or Matters in queſtion, then to the ſenior Coroner of the ſaid County; and in caſe he ſhall be ſo intereſted, then to the next Coroner of ſuch County, in point of Seniority, who ſhall not be ſo intereſted as aforeſaid, commanding ſuch Sheriff or Coroner or other Perſon (and the Sheriff or Coroner or ſuch other Perſon is hereby empowered and required) to impannel, ſummon, and return not leſs than Twenty-four, nor more than Forty-eight ſubſtantial and indifferent Perſons, qualified to ſerve on Special Juries; and the Perſons ſo to be impannelled, ſummoned, and returned as aforeſaid, are hereby required to come and appear before the Juſtices of the Peace for the County wherein the Premiſes ſhall lie, at ſome Court of General or Quarter Seſſions of the Peace to be holden in and for the ſame

County, or at ſome Adjournment thereof, as in ſuch Warrant ſhall be directed and appointed, and to attend ſuch Court of General or Quarter Seſſions from Day to Day, until diſcharged by the ſaid Court; and out of ſuch Perſons ſo to be impannelled, ſummoned, and returned, a Jury of Twelve Men ſhall be drawn by the Clerk of the Peace for the County wherein ſuch Jury ſhall be returned, or his Deputy, in ſuch Manner as Juries for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter* are by Law directed to be drawn; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Clerk of the Peace as before mentioned, or his Deputy, ſhall return other ſubſtantial, honeſt, and indifferent Men of the Byſtanders, or of others who can be ſpeedily procured to attend that Service, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Clerk of the Peace, or his Deputy, is hereby empowered and required to ſummon and call before the ſaid Juſtices any Witneſſes touching the Matters in queſtion, and may order and authorize the ſaid Jury, or any Three or more of them, to view the Place or Places, or Matters or Things in controverſy, and ſuch Jury ſhall upon their Oaths (which Oaths, as well as the Oaths to ſuch Witneſſes, the ſaid Juſtices are hereby empowered and required to adminiſter) inquire of, aſſeſs and aſcertain, and give a Verdict for the Sum or Sums of Money which ſhall be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or Compenſation for any Intereſt therein as aforeſaid; and the ſaid Juſtices ſhall give Judgment for ſuch Purchaſe Money or Compenſation ſo aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgment thereupon, ſhall be binding and concluſive to all Intents and Purpoſes upon all Bodies Politic, Corporate, or Collegiate, and upon all Perſons whomſoever, provided that Fourteen Days Notice in Writing at the leaſt, of the Hour and Place at which ſuch Jury are ſo required to be returned, be given to the Bodies Politic, Corporate, or Collegiate, or to the Perſon or Perſons intereſted or claiming ſo to be, before the Time of the Meeting of the ſaid Juſtices and Jury as aforeſaid, by leaving ſuch Notice at the Dwelling-houſe of ſuch Perſon or Perſons, or of the Head Officer of ſuch Body or Bodies Politic, Corporate, or Collegiate, or with ſome Tenant or Occupier of the Premiſes reſpectively intended to be valued; and in each and every Caſe where a Verdict ſhall be given for more Money as a Recompence or Satisfaction for the abſolute Sale of any Lands, Tenements, or Hereditaments, or as a Compenſation for any Intereſt therein as aforeſaid, than ſhall have been previouſly offered by or on behalf of the ſaid Commiſſioners before the ſummoning ſuch Jury, and where no Compenſation ſhall have been previouſly offered in reſpect thereof by or on behalf of the ſaid Commiſſioners, or where, by reaſon of Abſence or other Impediment or Diſability, there ſhall not be found any Perſon or Perſons at hand who may be legally capacitated to contract with and make Conveyances to or receive Compenſation from the ſaid Commiſſioners as herein-before mentioned, then and in all ſuch Caſes all the reaſonable Expences of cauſing ſuch Value or Compenſation to be aſſeſſed and awarded as aforeſaid ſhall be ſettled by the ſaid Juſtices, and be defrayed by the ſaid Commiſſioners; but if any Verdict ſhall be given for the ſame Sum that ſhall have been previouſly offered by or on behalf of the ſaid Commiſſioners, or for a leſs Sum than ſhall have been ſo previouſly offered, or in caſe of ſuch Refuſal to treat with or make Conveyances to the ſaid Commiſſioners by any Bodies Politic,

Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever who is or are by the Proviſions of this Act or otherwiſe legally empowered to treat and convey, or receive ſuch Compenſation as aforeſaid, then and in all ſuch Caſes (except where, by reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid, in which Caſe all ſuch Coſts and Expences ſhall be borne and paid by the ſaid Commiſſioners), the reaſonable Coſts and Expences of cauſing ſuch Value or Compenſation to be aſſeſſed and awarded as aforeſaid ſhall be ſettled in like Manner by the ſaid Juſtices, and be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſies or Diſputes; which ſaid Coſts and Expences ſhall and may be deducted out of the Money ſo aſſeſſed and awarded, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken to all Intents and Purpoſes to be Payment or Tender of the whole Sum or Sums ſo aſſeſſed or awarded as aforeſaid.

Penalty on Sheriff refuſing to ſummon a Jury, and on Witneſſes refuſing to attend.

XLI. And be it further enacted, That if the Sheriff or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn or to give his Verdict, or ſhall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be examined or give Evidence, every Perſon ſo offending (having no reaſonable Excuſe to be allowed by the ſaid Juſtices) ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds; which ſeveral and reſpective Penalties ſhall and may be levied by virtue of any Warrant under the Hand and Seal of any one of the ſaid Juſtices, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering to him the Overplus after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted; and every ſuch Penalty ſo recovered from any Perſon who ſhall have been ſo ſummoned on ſuch Jury, or to give Evidence as aforeſaid, ſhall go and be paid to the Party who ſhall appear to the ſaid Juſtice to be injured by the Default of ſuch Perſon.

Verdicts to be recorded.

XLII. And be it further enacted, That all the ſaid Judgments and Verdicts (being firſt ſigned by the Clerk of the Peace or his Deputy preſent at the taking of ſuch Verdicts and pronouncing of ſuch Judgments reſpectively) ſhall be kept by the reſpective Clerks of the Peace amongſt the Records of the Quarter Seſſions of the County, as the Caſe ſhall require, and ſhall be deemed to be Records of the ſaid Quarter Seſſions to all Intents and Purpoſes whatſoever; and the ſame or true Copies thereof ſhall be allowed to be good Evidence, and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and ſo in proportion for any leſs Number of Words.

Power to enter upon and take Poſſeſſion of

XLIII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall have been contracted or agreed for between the Parties, or determined and adjuſted by any Jury or Juries

in

in Manner aforeſaid, for the Purchaſe of any ſuch Lands, Tenements, or Hereditaments, to the Proprietor or Proprietors of ſuch Lands and other Hereditaments and Premiſes, or ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money or Compenſation reſpectively, at any Time after the ſame ſhall have been ſo agreed for, determined, or awarded, if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners, or ſhall refuſe to execute a Conveyance or Conveyances of the Premiſes which ſhall be required for the Purpoſes of this Act, then upon Payment of the ſaid Sum or Sums of Money into the Bank of *England*, as hereafter directed and required (in caſe the ſame ſhall be requiſite), for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners and their Agents, Servants and Workmen, or any other Perſons authorized by them in their Behalf, immediately to enter upon ſuch Lands, Grounds, and other Hereditaments reſpectively; and the Fee-ſimple and Inheritance thereof, together with the yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in ſuch Perſon or Perſons in ſuch manner as directed in and by this Act, or as may be declared in any Sentence of Conſecration under the Proviſions of this Act, to and for the Purpoſes of this Act for ever; and ſuch Tender, Payment, or Inveſtiture ſhall not only bar all Right, Title, Claim, Intereſt, and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to and ſhall be deemed and conſtrued to bar the Dower of the Wife, and of every ſuch Perſon, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder of his, her, or their Iſſue, and of every other Perſon, and all Incumbrancers whomſoever therein: Provided nevertheleſs, that before ſuch Payment it ſhall not be lawful for the ſaid Commiſſioners, or any Perſon acting under their Authority, to dig into ſuch Lands or Grounds for the Purpoſe of making any Foundation, or building any Church or Chapel, without Leave of the reſpective Owners or Occupiers thereof in Writing under their reſpective Hands.

Lands, &c. on Payment or Tender of Purchaſe Monies.

XLIV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Intereſt of what Nature or Kind ſoever, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, Perſon or Perſons under any Diſability or Incapacity as hereinbefore mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commiſſioners for building Churches, together with the Name or Names of ſuch Perſon or Perſons as any Three of the Commiſſioners ſhall, by Writing ſigned by them, direct and appoint, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards

Application of Compenſation when it ſhall amount to or exceed 200l.

the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and exceeding 20l.

XLV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the Court of Chancery, and to be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Three Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Commiſſioners, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When leſs than 20l.

XLVI. Provided always, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been

been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, as the ſaid Commiſſioners or any Three or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Title,

XLVII. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners or any Five of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered; then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners or any Five or more of them to order the ſaid Sum or Sums ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them], ſubject to the Order, Control, and Diſpoſition of the ſaid Court; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank,

ſubject to the Order of the Court of Chancery by Motion or Petition.

Caſhier of the Bank to give a Receipt for ſuch Money.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

XLVIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of

of ſuch Bank Annuities, ſhall be paid and applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable Expences of Purchaſes to be paid by the Commiſſioners.

XLIX. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance thereof reſpectively, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Commiſſioners, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Mortgagees to convey.

L. And be it further enacted, That all and every Perſon and Perſons, who ſhall have any Mortgage or Mortgages on any Lands, Tenements, and Hereditaments to be taken or uſed for the Purpoſes of this Act, not being in Poſſeſſion thereof by virtue of ſuch Mortgage or Mortgages, ſhall, on the Tender of the Principal Money and Intereſt due thereon, together with the Amount of Three Calendar Months Intereſt on the ſaid Principal Money, by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint, immediately convey, aſſign, and transfer ſuch Mortgage or Mortgages to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint; or in caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing from the ſaid Commiſſioners, or from ſuch Perſon or Perſons as they ſhall appoint, that they will pay off and diſcharge the Principal Money and Intereſt which ſhall be due on the ſaid Mortgage or Mortgages at the End or Expiration of Two Calendar Months (to be computed from the Day of giving ſuch Notice), that then at the End of the ſaid Two Calendar Months, on Payment of the Principal and Intereſt ſo due, ſuch Mortgagee or Mortgagees ſhall convey, aſſign, and transfer his, her, or their Intereſt in the Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as ſhall be appointed in Truſt for them; and in caſe ſuch Mortgagee or Mortgagees ſhall refuſe to convey and aſſign as aforeſaid on ſuch Tender or Payment, that then all Intereſt on every ſuch Mortgage ſhall from thenceforth ceaſe and determine: Provided always, that in caſe the Sum due upon any ſuch Mortgage or Mortgages, with all Intereſt due thereon, ſhall amount to more than the real Value of the Premiſes, to be aſcertained as directed by this Act, then the ſaid Commiſſioners ſhall not be liable to pay the Mortgagee or Mortgagees more than the real Value of ſuch Premiſes ſo aſcertained as aforeſaid: Provided alſo, that in caſe any ſuch Mortgagee ſhall neglect or refuſe to convey or aſſign as aforeſaid, then upon Payment of the Principal Money and Intereſt due on any Mortgage as aforeſaid into the Bank of *England*, at the End of Two Calendar Months from the Day of giving ſuch Notice as aforeſaid, for the Uſe of the Mortgagee or Mortgagees, the Caſhier or Caſhiers of the Bank ſhall give a Receipt or Receipts for the ſaid Money

Money in like Manner as is herein-before directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages, for the Purposes of this Act, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages comprize any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken by the said Commissioners, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said Commissioners hereby incorporated, or to such Person or Persons as shall be appointed in Trust for them; and in Default of their doing so, and on Payment of such Money into the Bank of *England*, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for them, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Commissioners empowered to resell Lands not wanted.

LI. And whereas the said Commissioners may purchase Lands to be made use of for the Purposes of this Act, and it may happen that no Church or Chapel shall be built thereon, and by reason thereof the same shall not be consecrated and devoted for ever to Ecclesiastical Purposes under this Act, and it may in such Case become necessary to resell the same; be it therefore further enacted, That it shall be lawful for the said Commissioners, by Indenture under the Hands and Seals of any Five or more of them, to grant and convey, by way of absolute Sale, for a Consideration in Money, such Lands, Tenements, or Hereditaments, or any such Part or Parts thereof as shall not be wanted for the Purposes of this Act; and all such Conveyances from the said Commissioners shall be valid and effectual, any Thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands, Tenements, and Hereditaments, it shall and may be lawful for the Secretary for the Time being to the said Commissioners to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Buildings shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or any Part thereof: Provided always, that the said Commissioners, before they shall sell and dispose of such Lands, Tenements, or Hereditaments,

ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed the ſame, or would have been then entitled thereto, in caſe the ſame had not been purchaſed by the ſaid Commiſſioners, the Price at which the ſame ſhall be reſold being adjuſted and ſettled by a Jury, in like Manner as the Price for any Land to be taken in purſuance of this Act is herein-before directed to be ſettled, in caſe of Difference or Diſpute as to the Value thereof; and if ſuch Perſon or Perſons ſhall not agree, or ſhall refuſe to repurchaſe the ſame, it ſhall and may be lawful to and for any Perſon or Perſons, not intereſted in the Premiſes, to make an Affidavit, to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Lands ſhall be ſituate, ſtating that ſuch Offer was made by or on behalf of the ſaid Commiſſioners, and that ſuch Perſon or Perſons did not agree or refuſe to purchaſe ſuch Lands or Buildings, as the Caſe may be; and ſuch Affidavits ſhall in all Courts be ſufficient Evidence and Proof that ſuch Offer was made, and not agreed to, or refuſed.

Allowing Commiſſioners to procure Sites for Churches.

LII. And be it further enacted, That in every Caſe in which any Pariſh or Extra-parochial Place is or ſhall be empowered by any Act or Acts of Parliament to build any Church or Chapel, or enlarge any exiſting Church or Chapel, and alſo in every Caſe in which any Pariſh or Extra-parochial Place ſhall be deſirous of building any Church or Chapel, or enlarging any exiſting Church or Chapel, and defraying the Expence thereof without any Aid from the Commiſſioners in that Behalf, and are not able to procure a fit and proper Site for ſuch new Church or Chapel, or for the enlarging ſuch exiſting Church or Chapel, by reaſon of the Inability of any Perſon or Perſons, Body or Bodies, intereſted in ſuch Site or any Part thereof, to convey or make a good Title to the ſame, freed and diſcharged from all Incumbrances, or ſhall be unwilling to treat for the Sale thereof, or cannot agree for ſuch Sale and Purchaſe, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, if, upon Application made for that Purpoſe, and upon a Statement of all the Circumſtances of the Caſe, they ſhall think it proper and expedient, to proceed, under the Proviſions of this Act, to procure ſuch Site, and the Expence of procuring ſuch Site ſhall be chargeable and charged upon the Pariſh or Extra-parochial Place making ſuch Application, in like Manner as in Caſes of Money advanced for Sites under this Act; and all the Powers, Authorities, Proviſions and Regulations, and Clauſes in this Act contained, in relation to procuring Sites for Churches to be built under the Proviſions thereof, ſhall extend and apply to the procuring and taking of ſuch Sites as fully in any reſpect as if ſuch Churches or Chapels were built under the Proviſions of this Act.

Not to take certain Premiſes without Leave of the Owners, &c.

LIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Commiſſioners to take any private Dwelling-houſe or Offices, or Garden, Orchard, Yard, Park, Pleaſure Ground, Paddock, or Planted Walk or Avenue appurtenant thereto, without the Conſent of the Owners and Occupiers thereof.

Commiſſioners may ad-

LIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to advance Money to any Pariſh or Extra-parochial Place to

purchaſe any Site or Sites, in caſe, from the Amount of the Sum, or the State of the Pariſh or Extra-parochial Place as to its Population, Parochial Rates, and other Circumſtances, it may appear to the Commiſſioners to be proper to make ſuch Advance; and the Commiſſioners ſhall in every ſuch Caſe aſſign Periods for Repayment of all Money ſo advanced, by Inſtalments within Ten Years.

vance Money to Pariſhes to purchaſe Sites.

LV. And be it further enacted, That if no Site ſhall be provided in any Pariſh or Extra-parochial Place, and duly notified to the ſaid Commiſſioners, within Six Months after Notice ſhall have been given by the ſaid Commiſſioners that a Site would be required in ſuch Pariſh or Extra-parochial Place, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, to purchaſe a Site, and charge the Expence of ſuch Purchaſe upon the Rates raiſed or to be raiſed under the Proviſions of this Act in ſuch Pariſh or Extra-parochial Place, giving Notice of the Amount, and of the Periods within which the Repayment by Inſtalments will be required.

If Pariſh does not procure a Site, Commiſſioners may, and charge the Expence upon the Pariſh.

LVI. And be it further enacted, That the Church Rates of the Pariſh ſhall in all Caſes be and be deemed in Law to be the Security for the Repayment of all Money expended by the Pariſh in providing any Site or Sites, or advanced by the Commiſſioners to any Pariſh under the Proviſions of this Act, or paid by the Commiſſioners in Caſes of Neglect in providing Sites; and all ſuch Sums of Money ſo expended or advanced under the Proviſions of this Act, in carrying into Execution the Purpoſes thereof in any Pariſh, ſhall be and are hereby made chargeable and charged upon ſuch Rates; and the Churchwardens ſhall in every ſuch Caſe make, and they are hereby required and empowered to make, proper and ſufficient Rates for repaying ſuch Expences and Advances within the Periods or at the Times which ſhall be ſpecified by the Commiſſioners under the Authority of this Act in that Behalf.

Sums expended in purchaſing Sites, or advanced to Pariſhes by Commiſſioners, to be charged upon and paid out of the Church Rates.

LVII. And be it further enacted, That in every Caſe in which any Sum or Sums of Money ſhall have been expended in purchaſing any Site or Sites for any Church or Churches, or Chapel or Chapels, or advanced by the Commiſſioners under the Proviſions of this Act, for any Extra-parochial Place in which no Church Rates ſhall be made, raiſed, or collected, it ſhall be lawful for the ſaid Commiſſioners to require any Juſtice or Juſtices acting in or for the Diviſion of the County in which ſuch Extra-parochial Place ſhall be, and every ſuch Juſtice or Juſtices ſhall from Time to Time, as the Caſe may require, appoint Two or more proper Perſons to make, raiſe, collect, and levy Rates for making all ſuch Payments and Repayments as may be required under the Proviſions of this Act; and all ſuch Perſons ſo appointed ſhall have all ſuch and the like Powers and Authorities for making, raiſing, levying, and collecting and enforcing Payment of any ſuch Rates, as any Churchwardens have by Law in that Behalf, and are hereby required and empowered to make, raiſe, levy, and collect ſufficient Rates for making ſuch Payments and Repayments as aforeſaid; and all Sums ſo expended or advanced ſhall be charged upon ſuch Rates, and paid thereout at ſuch Times, and in like Manner and under the like Proviſions, as if ſuch Place had been and was a Pariſh in which Church Rates were made, levied, and collected by Law; and all ſuch Rates ſhall be deemed in Law Church Rates for the Purpoſes of this Act, and

Rates may be raiſed in Extra-parochial Places for the Purpoſes of this Act.

and made, raiſed, levied, collected, and accounted for as ſuch; and all Acts of Parliament, and Clauſes, Proviſions, Regulations, Penalties and Forfeitures contained in any Act or Acts of Parliament, and all Powers, Authorities, and Laws, Eccleſiaſtical or others, for the making, raiſing, levying, collecting, and accounting for Church Rates, ſhall apply and be enforced for the making, raiſing, levying, and collecting ſuch Rates in any ſuch Extra-parochial Place from Time to Time, when and ſo often as it ſhall be or become neceſſary to make or raiſe any ſuch Rates for the Purpoſes of this Act.

Power of Churchwardens, &c. to borrow Money.

LVIII. And be it further enacted, That it ſhall be lawful for the Churchwardens of any Pariſh, or Perſons appointed in any Extra-parochial Place, with the Conſent in any Pariſh of the Veſtry or Select Veſtry, or Perſons poſſeſſing, under any Act or Acts of Parliament, the Powers of Veſtry, and with the Conſent in any Extra-parochial Place of the Majority of the Perſons who would be entitled to vote in Veſtry, if the ſame had been a Pariſh aſſembled at any Meeting called for that Purpoſe, with Notice given in the Church or Chapel of the Extra-parochial Place, or in the Church or Chapel neareſt adjoining thereto, to borrow any Money upon the Credit of the Rates of the Pariſh or Extra-parochial Place ſo to be made as aforeſaid; and they are hereby empowered and required, in any Caſe in which ſuch Money ſhall have been borrowed, to raiſe by Rate a Sum ſufficient, from Time to Time, to pay the Intereſt of the Money ſo borrowed, and One-twentieth Part of the principal Sum borrowed out of the Produce of ſuch Rates, until the whole of the Money ſo borrowed ſhall be repaid.

Clauſe to authorize the raiſing of Money for the Enlargement of exiſting Churches or Chapels.

LIX. And be it further enacted, That it ſhall and may be lawful for the Churchwardens of any Pariſh, with the Conſent of the Veſtry or Select Veſtry, or Perſons poſſeſſing the Powers of Veſtry, and with the Conſent of the Biſhop and Incumbent, and they are hereby authorized and empowered, to borrow and raiſe, upon the Credit of the Rates of any ſuch Pariſh, ſuch Sum or Sums of Money as ſhall be neceſſary for defraying the Expence or any Part of the Expence of enlarging or otherwiſe extending the Accommodation in the then exiſting Churches or Chapels of ſuch Pariſh; and to make Rates for the Payment of the Intereſt of ſuch Sum or Sums of Money ſo to be borrowed and raiſed, and for providing a Fund of not leſs than the Amount of the Intereſt upon the Sum advanced for the Repayment of the Principal thereof; or for repaying ſuch Principal in ſuch Manner and at ſuch Times and in ſuch Proportions, as ſhall be agreed upon with the Perſons advancing any ſuch Money: Provided always, that One-half of the additional Accommodation which ſhall be obtained by any ſuch Expenditure ſhall be allotted to uninclosed or free Seats.

Application to be made with Conſent of Majority of Inhabitants paying Poor Rates; or where there is a Select Veſtry, then

LX. Provided always, and be it further enacted, That no Application and Offer to build or to enlarge any Church or Chapel, either wholly or in part, by means of any Rates upon any Pariſh, ſhall be made, unleſs the major Part of the Inhabitants and Occupiers aſſeſſed to the Relief of the Poor, in Veſtry aſſembled, ſhall conſent thereto, or where any Pariſh ſhall be under the Care and Management of any Select Veſtry, or other Select Body, then with the Conſent of not leſs than Four-fifths of ſuch Select Veſtry, by whatever Name the ſame may be called, ſuch Conſent to

to be certified to ſome Juſtice of the Peace acting for the Diviſion in which ſuch Pariſh or Extra-parochial Place ſhall be ſituated, by One or more of the Overſeers of the Poor of the Pariſh or Place in reſpect of which the Application ſhall be made; nor unleſs Two Third Parts in Value of the Proprietors of Meſſuages, Lands, and Tenements within ſuch Pariſh (whether for Eſtates of Freehold or Copyhold, or by virtue of Leaſes for Terms of not leſs than Fifteen Years abſolute, or determinable upon a Life or Lives), ſhall have conſented thereto; ſuch Conſents to be given by Writing under the Hands of all Perſons and Corporations Sole, and the Conſent of every Corporation Aggregate, under the Hand of the Preſident, Head, or Chief Member thereof for the Time being, and the Conſents of Femes Covert, Minors, Inſane Perſons, and Perſons out of the Kingdom, by and under the Hands of their reſpective Huſbands, Guardians, Committees, Truſtees, Attornies or Agents, who are reſpectively authorized to give ſuch Conſents, and the Conſent of the major Part of the Truſtees for any charitable or other Purpoſe, ſhall be ſufficient in reſpect of the Truſt Eſtate.

with Conſent of not leſs than Four-fifths of ſuch Veſtry; and alſo with Conſent of Two-thirds in Value of the Proprietors of Lands, &c.

LXI. Provided alſo, and be it further enacted, That it ſhall be lawful for the Churchwardens of the Pariſh or Extra-parochial Place in which any ſuch Church or Chapel ſhall be built, upon any ſuch Application of the Pariſhioners or Inhabitants of an Extra-parochial Place as aforeſaid, and they are hereby authorized and required, to make Rates for the raiſing the Portion ſtated in any ſuch Application to be provided by means of Rates, if the Church or Chapel is propoſed to be built partly by Subſcription and partly by ſuch Rates; or for raiſing the Sum neceſſary for the building any ſuch Church or Chapel, if the whole Expence is propoſed to be defrayed by Rates; or to borrow any ſuch Sums upon the Credit of any ſuch Rates; and in every ſuch Caſe to make Rates for the Payment of the Intereſt of any Monies advanced for the building any ſuch Church or Chapel upon the Credit of the Rate, and for providing a Fund of not leſs than the Amount of the Intereſt upon the Sum advanced for the Repayment of the Principal thereof, or for repaying ſuch Principal in ſuch Manner and at ſuch Times and in ſuch Proportions as ſhall be agreed upon with the Perſons advancing any ſuch Money.

Churchwardens may raiſe Rates for the Purpoſe.

LXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, to build or cauſe to be built Churches or Chapels, under the Proviſions of this Act, upon ſuch Plans as they ſhall deem moſt expedient for the affording fit and proper Accommodation for the largeſt Number of Perſons at the leaſt Expence; and ſuch Part of every ſuch Church or Chapel as the Commiſſioners, with the Conſent of the Biſhop of the Dioceſe, ſignified under his Hand and Seal, ſhall direct, arranged in Pews, to be diſpoſed of and let under the Proviſions of this Act; and the Part not ſo arranged ſhall remain and be aſſigned for free Seats, to be uſed by the Pariſhioners or Inhabitants of the Pariſh, Diſtrict, or Extra-parochial Place in which ſuch Church or Chapel ſhall be built or acquired, without any Payment whatever.

Commiſſioners may build Churches upon ſuch Plans as they ſhall think moſt convenient.

LXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to make ſuch Orders as they ſhall deem expedient as to the Amount of Rent to be reſerved for each Pew or Seat in any ſuch Church or Chapel; and the Produce of ſuch Rents ſhall form a Fund, out

Commiſſioners may ſettle Amount of Rents of Pews; Ap-

plication of Produce.

out of which Proviſion ſhall be made for the Spiritual Perſon appointed to ſerve the Church or Chapel, and for a Clerk.

Commiſſioners to aſſign Stipends to the Clergymen out of Pew Rents; Differences between Commiſſioners and Biſhop as to Stipends to be decided by the Archbiſhop of the Province.

LXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to aſſign out of Pew Rents a proper Stipend to the Spiritual Perſon ſerving any ſuch Church or Chapel, with Conſent of the Biſhop of the Dioceſe, regard being had to the Extent and Population of the Diſtrict aſſigned to the Church or Chapel, and the Sum which may probably be neceſſary to enable ſuch Spiritual Perſon to procure a Reſidence in the Diſtrict, and to all other Circumſtances; and the ſaid Commiſſioners may alſo aſſign Salaries to the Clerks of ſuch Churches or Chapels; and if the Commiſſioners and Biſhops do not agree as to the Amount of any ſuch Stipend, ſuch Amount ſhall be ſettled by the Archbiſhop of the Province.

Biſhops may direct the Performance of a Third Service, with a Sermon, under certain Circumſtances.

LXV. And be it further enacted, That in any Pariſh or Extra-parochial Place in which it ſhall appear to the Biſhop of the Dioceſe that the Churches or Chapels now exiſting, or which may be built or provided under any of the Proviſions of this Act, do not or will not afford ſufficient Accommodation for the Pariſhioners or Inhabitants thereof to attend Divine Service, according to the Rites of the United Church of *England* and *Ireland*, and in which ſuch Biſhop ſhall be of opinion that it is expedient that additional Accommodation ſhould be provided for ſuch Purpoſe, and that ſuch Purpoſe would be anſwered by the Celebration, on *Sundays*, and on the great Feſtivals, of a Third or additional Divine Service, being either the Morning or Evening Service of the United Church of *England* and *Ireland*, as ſhall be directed by the Biſhop of the Dioceſe, with a Sermon, in the Churches or Chapels exiſting at the Time of paſſing this Act, or by the Celebration of a Third or additional Service as aforeſaid, with a Third Sermon, in any Church or Chapel which may be built or provided under any of the Proviſions of this Act, it ſhall be lawful for ſuch Biſhop to require the Incumbent of every ſuch Pariſh, Diſtrict Pariſh, or Extra-parochial Place, to nominate to him a proper Perſon to be licenſed to ſerve as a Curate in the exiſting Church or Chapels, for the Performance of ſuch additional or Third Service with a Sermon, or in any Church or Chapel which may be built or provided as aforeſaid, for the Performance of ſuch additional or Third Service with a Third Sermon; and ſuch Incumbent ſhall within Six Months after ſuch Requiſition nominate ſuch Curate to the Biſhop to be licenſed, and in default of ſuch Nomination ſuch Biſhop is hereby empowered to nominate and licenſe a proper Curate for the Purpoſe aforeſaid; and the ſaid Biſhop is hereby empowered to require the Churchwardens of every ſuch Church or Chapel to let for the ſaid additional Service ſuch Proportion of the Pews of ſuch Church or Chapel, not being a Pew held by Faculty or Preſcription, and at ſuch Rates, as in the Opinion of ſuch Biſhop ſhall be ſufficient to afford a competent Salary to ſuch Curate, and ſuch Churchwardens are hereby empowered and required ſo to let the ſame, and to raiſe and levy, in the Manner directed by this Act, the Rents from the Perſons who may take the Pews, reſerving ſuch Number of Sittings as free Seats, as to ſuch Biſhop ſhall appear expedient, not being leſs than One-fourth: Provided always, that if in any Pariſh, Diſtrict Pariſh, or Place as aforeſaid, any Number of Perſons ſhall repreſent to ſuch Biſhop that they are willing to provide by Subſcription ſuch an annual Sum as may be ſufficient to afford a competent

petent Salary to a Curate for the Performance of ſuch additional Service with a Sermon, or for the Performance of ſuch additional Service with a Third Sermon; and if the Biſhop ſhall be of Opinion that ſuch Mode of providing a Salary for ſuch Curate is more expedient than the raiſing of ſuch Salary by Pew Rents, it ſhall be lawful for ſuch Biſhop, and he is hereby empowered, to require the Incumbent of ſuch Church or Chapel to nominate a Curate to him as aforeſaid, and in default to appoint a Curate himſelf: Provided always, that ſuch Curate ſo nominated and licenſed for the Performance of ſuch Third Service as aforeſaid ſhall be ſubject to all Juriſdiction, Laws, Statutes, and Proviſions to which Stipendiary Curates are ſubject, except ſo far as relates to the Amount of Salary, and the Mode of raiſing and paying the ſame, which ſhall be regulated according to the Proviſions of this Act.

Proviſion for the Clergymen who may perform additional Service.

LXVI. And be it further enacted, That in caſe of ſuch Proviſion for the Performance of an additional or Third Service being made by Subſcription, that every Perſon ſo ſubſcribing, being a Pariſhioner, ſhall have the Option of any Pew in ſuch Church or Chapel, not being a Pew held by Faculty or Preſcription, for the Time of ſuch additional Service and Sermon, according to the Amount of his or their reſpective Subſcriptions; or, in caſe of Equality of the Sums ſubſcribed, according to the Date of his or their Subſcriptions; and ſhall continue to hold ſuch Pew ſo long as he or they ſhall pay ſuch Subſcription, and no longer: Provided alſo, that if at any future Time the whole Amount of ſuch Subſcription ſhall fail to produce ſuch a Sum as ſhall be deemed by ſuch Biſhop a competent Salary for ſuch Curate, ſuch Biſhop ſhall and may in ſuch Caſe authorize and require the Churchwardens to raiſe, by letting a Proportion of the Pews as aforeſaid, ſuch Sum or further Sums as may be ſufficient for making up the ſaid Salary: Provided always, that the Salary to be given to ſuch Curate for the Performance of the ſaid additional Service with Sermon ſhall in no Caſe, except when raiſed entirely by Subſcription, exceed the Sum of Eighty Pounds *per Annum*.

Patronage of Diſtrict Churches to be in Patron of Pariſh Church.

LXVII. And be it further enacted, That the Nomination or Appointment of the Spiritual Perſon to ſerve all ſuch Diſtrict Churches and Chapels ſhall belong to the Patron of the Church of the Pariſh or Extra-parochial Place out of which ſuch Diſtrict ſhall be taken; and the Spiritual Perſon ſo preſented and inſtituted or licenſed (as the Caſe may be) by the Biſhop of the Dioceſe ſhall be ſubject to the ſame Juriſdiction and Viſitation as the Incumbent of the Pariſh now is.

Where Chapel built in whole or part by Rates, Nomination of Miniſter to be in Incumbent.

LXVIII. Provided always, That in any Caſe in which any Chapel ſhall be built, either wholly or in part, by means of any Rates to be raiſed in any Pariſh, the firſt and ſubſequent Nominations of the Miniſter of the Chapel ſhall be in the Incumbent of the Church of the Pariſh or Extra-parochial Place in which ſuch Chapel ſhall be built.

Rights of Brazen Noſe College to preſent Clerks to Churches within the Pariſh of

LXIX. Provided always, That nothing in this Act contained ſhall extend to or affect the Right of the Principal and Scholars of the *King's Hall* and College of *Brazen Noſe* in the Univerſity of *Oxford*, and their Succeſſors, to nominate and preſent from Time to Time fit Clerks to officiate in all Churches or Chapels built or to be built within the Pariſh of *Stebbunheath*, otherwiſe called *Stepney*, in the County of *Middleſex*; which Right was and

Stepney, not to be affected.

and is ſecured and confirmed to the ſaid Principal and Scholars, and their Succeſſors, by ſeveral Acts of Parliament made in the Ninth and Twelfth Years of the Reign of Her late Majeſty Queen *Anne*; but that the ſaid Right ſhall continue and remain to them in reſpect of all Churches or Chapels that may by virtue of this Act be built or conſtituted within the ſaid Pariſh, or within any Portion, Diviſion, or Diſtrict thereof, or which by virtue of this Act may be ſeparated therefrom; any Thing in this Act contained to the contrary notwithſtanding.

Repairs to be made by Rates upon the Diſtrict.

LXX. And be it further enacted, That the Repairs of all ſuch Diſtrict Churches or Chapels ſhall be made by the Diſtricts to which they reſpectively belong, by Rates to be raiſed within the Diſtrict, in like Manner as in caſe of Repairs of Churches by Pariſhes; and every ſuch Diſtrict ſhall be deemed in Law a ſeparate and diſtinct Pariſh for that Purpoſe; and the Repairs of all Chapels not made Diſtrict Churches ſhall be made by the Pariſh in or for which the Chapels ſhall be built.

Diſtrict to remain liable for Repairs of Pariſh Church for 20 Years.

LXXI. Provided always, and be it further enacted, That every ſuch Diſtrict ſhall remain nevertheleſs ſubject for Twenty Years, to be accounted from the Day upon which the Diſtrict Church or Chapel ſhall be conſecrated, to the Repair of the original Pariſh Church, and be deemed Part of the original Pariſh for all Purpoſes of ſuch Repairs, and the making and levying of Rates for that Purpoſe; and from and after the Expiration of ſuch Twenty Years, the Pariſh Church ſhall be repaired by the Diſtrict of the Pariſh left as belonging to it after the other Diviſions of Diſtricts are made; and each Diſtrict ſhall for ever thereafter make, raiſe, levy, collect, and apply ſeparate and diſtinct Rates for Repairs of the Church or Churches or Chapels of the Diſtrict, as if a ſeparate Pariſh.

Deeds for Clergymen's Salaries to be enrolled.

LXXII. And be it further enacted, That every Deed, Grant, or Endowment for ſecuring a Proviſion or Salary to the Spiritual Perſon ſerving any Church or Chapel under this Act, ſhall be enrolled in the Court of Chancery, and regiſtered in the Regiſtry of the Dioceſe.

Appointment of Churchwardens.

LXXIII. And be it further enacted, That Two fit and proper Perſons ſhall be appointed to act as Churchwardens for every Church or Chapel built or appropriated under the Proviſions of this Act, at the uſual Period of appointing Pariſh Officers in every Year, and ſhall be choſen, One by the Incumbent of the Church or Chapel for the Time being, and the other by the Inhabitant Houſeholders entitled to vote in the Election of Churchwardens reſiding in the Diſtrict to which the Church or Chapel ſhall belong, and of any Extra-parochial Place by ſuch Inhabitant Houſeholders as would be entitled to vote in the Election of Churchwardens if ſuch Extra-parochial Place had been a Pariſh; and the Two Perſons, when ſo elected Churchwardens, ſhall appear and be admitted and ſworn according to Law, and ſhall collect and receive the Rents of the Seats and Pews, and pay the Stipends or Salaries appointed by the Commiſſioners to be paid to the Miniſter and Clerk of and belonging to the Church or Chapel for the Time being, and alſo ſhall do, perform, and execute all lawful Acts, Matters, and Things neceſſary and requiſite for and concerning the Repairs, Management, good Order, and Decency of Behaviour to be kept and obſerved in the Church or Chapel by the Congregation thereof; and the Perſons ſo to be appointed or choſen Churchwardens ſhall continue in their ſaid

Office until others ſhall be choſen in like Manner in their Stead; and all the Perſons ſo choſen Churchwardens are hereby authorized and empowered, in caſe of Non-payment of the Rents of the Seats and Pews of the Church or Chapel for which they ſhall be appointed, to enter upon and ſell the ſame, or elſe to ſue for and recover the ſame by Action or Actions for ſuch Rents, in the Names of "The Churchwardens of the Church or Chapel of" [deſcribing the ſame], as the Caſe ſhall or may require, without ſpecifying the Chriſtian or Surnames of ſuch Churchwardens; and no ſuch Action ſhall abate by reaſon of the Death or Removal or going out of Office of any ſuch Churchwarden.

Churchwardens to act in Pariſhes where additional Chapels ſhall be built.

LXXIV. And be it further enacted, That the Churchwardens of every Pariſh in which any additional Chapel ſhall be built or provided under any of the Proviſions of this Act, without making any Diviſion thereof into ſeparate Pariſhes or Diſtrict Pariſhes, ſhall be and are hereby authorized and required to execute and do all ſuch Things as the Churchwardens to be appointed under the Proviſions of this Act are authorized and required to do.

Pews to be provided for Miniſter, &c, and Free Seats for poor Perſons.

LXXV. And be it further enacted, That before the Conſecration of any Church or Chapel under the Proviſions of this Act, a Seat or Pew ſufficient to hold Six Perſons at leaſt ſhall be ſet apart in the Body or Ground Floor of the Church or Chapel, and contiguous or near to the Pulpit, for the Uſe of the Miniſter of the Church or Chapel for the Time being, and his Family; and other Seats in ſome other convenient Part of the Church or Chapel, not among the Free Seats, capable of containing not leſs than Four Perſons, ſhall alſo in like Manner be ſet apart for the Uſe of the Miniſter's Servants; and that Pews, Sittings, or Benches in every ſuch Church or Chapel, to be marked with the Words "Free Seats," amounting in the whole to not leſs than One-fifth Part of the whole of the Sittings in every ſuch Church or Chapel which ſhall be built, either wholly or in part, out of any Rates, or with any Money raiſed upon the Credit of any Rates of the Pariſh or Extra-parochial Place, ſhall alſo be appropriated and ſet apart for the Uſe of poor Perſons reſorting thereto for ever; upon which Pews ſo to be ſet apart for the Miniſter, his Family and Servants, and the Pews, Sittings, or Benches ſo appropriated for the Uſe of the Poor, no Rent or Aſſeſſment whatever ſhall at any Time be charged or impoſed.

Subſcribers to have Choice of Pews in the Order of Amount of Subſcription; and if equal, in Order of Subſcription.

LXXVI. And be it further enacted, That all Subſcribers being Pariſhioners to any Church or Chapel built under the Authority of this Act ſhall have Choice of Pews at the Rates fixed by the Commiſſioners under the Proviſions of this Act, in the Order of their Amount of Subſcription; and as to Subſcribers of the ſame Amount, in the Order of their Subſcription.

Pews to be let to raiſe the Sum required for Miniſters Salaries, &c.

LXXVII. And be it further enacted, That all the Pews or Seats in every ſuch Church or Chapel (ſave and except the Pews or Seats particularly ſet down as Free Seats) ſhall for ever be charged and chargeable with the ſeveral and reſpective yearly Rents or Sums ſet oppoſite to the Figures or Numbers marked upon each of the ſaid Pews or Seats, as they ſhall be particularly numbered and ſet down in a Liſt or Schedule to be made and ſigned by the Commiſſioners, and annexed to the Deed of Conſecra-

tion of every ſuch Church or Chapel; and which ſaid reſpective yearly Rents or Sums ſhall be paid by the Poſſeſſors and Occupiers of the Pews or Seats to the Perſons who ſhall from Time to Time be appointed the Churchwardens of the ſaid Church or Chapel, by Two equal Half-yearly Payments in each Year, namely, on the *Monday* next after the Nativity of our Saviour *Chriſt*, and the Nativity of *Saint John the Baptiſt*, in the Veſtry Room of the Church or Chapel, between the Hours of Nine in the Forenoon and Four in the Afternoon.

Churchwardens may, with Conſent of Incumbent, Patron, and Biſhop, alter Pew Rents.

LXXVIII. Provided always, and be it further enacted, That it ſhall be lawful for the Churchwardens of any ſuch Church or Chapel, at any Time thereafter, with the Conſent in Writing of the Incumbent, and of the Patron of the Church or Chapel reſpectively for the Time being, and of the Biſhop of the Dioceſe, to alter any ſuch yearly Rent or Sums; and in any ſuch Caſe a new Liſt or Schedule of Rents or Sums, and the Pews or Seats upon which the ſame are reſpectively charged, ſhall be ſigned by the Churchwardens, Incumbent, Patron, and Biſhop reſpectively, and ſhall be depoſited with the Deed of Conſecration of the Church or Chapel.

For the Recovery of Pew Rents Half-yearly.

LXXIX. And be it further enacted, That every Perſon or Perſons poſſeſſed of a Seat or Pew in every ſuch Church or Chapel, ſhall pay the Rents charged thereon as aforeſaid at Two equal Half-yearly Payments, to wit, on the *Monday* next after the Nativity of our Saviour *Chriſt*, and the Nativity of *Saint John the Baptiſt*, in every Year; and in caſe the Rent of any ſuch Pew or Seat or any Part thereof ſhall happen to be behind and unpaid by the Space of Three Months next after the ſame ſhall become due, and Notice in Writing demanding Payment thereof ſhall have been given to the Owner or Occupier of ſuch Seat or Pew, then the ſaid Churchwardens for the Time being of the Church or Chapel ſhall and may either enter upon and hold ſuch Seat or Pew, or let the ſame to any other Perſon or Perſons, in ſuch Manner as ſuch Churchwardens ſhall think proper, until the Rent ſo in Arrear, and all Coſts and Charges which ſhall have been occaſioned by the Non-payment or in the Recovery thereof, ſhall be duly paid and ſatisfied; or otherwiſe to ſell the ſame Pews or Seats reſpectively by public Auction to the beſt Bidder, and out of the Money thence ariſing pay and ſatisfy the ſaid Rent in Arrear, rendering the Overplus (if any), after deducting all reaſonable Coſts and Charges occaſioned by or in conſequence of ſuch Rent being in Arrear and in the Recovery thereof, to the Owner or Occupier of ſuch Pews or Seats reſpectively (as the Caſe may be); or the ſaid Churchwardens, at their Diſcretion, may ſue for and recover the ſaid Rent ſo in Arrear by Action of Debt or upon the Caſe, for the Uſe and Occupation of ſuch Pew or Seat, to be brought againſt the Owner or Owners, or any Occupier or Occupiers thereof, in the Name of "The Churchwardens of the Church or Chapel of," [deſcribing the Church or Chapel]; and no ſuch Action or Suit ſhall abate by reaſon of the Death, Removal, or going out of Office of any Churchwarden.

No Opening to be made in any Church or Chapel for the Purpoſes

LXXX. And be it further enacted, That it ſhall not be lawful to break up the Pavement, or to open the Soil beneath the ſame, within any Church or Chapel to be erected under the Proviſions of this Act, for the Purpoſes of Burial, or to make any Grave in any Cemetery or Churchyard

thereunto adjacent or belonging, at any leſs Diſtance than Twenty Feet from the external Walls of ſuch Church or Chapel reſpectively: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to prevent the Burial of Dead Bodies in any Vault wholly arched with Brick or Stone, which may have been conſtructed for ſuch Purpoſes under any Church or Chapel, and to which the only Acceſs ſhall be by Steps on the Outſide of the external Walls thereof; and if any Burial ſhall take place, or any Grave be made, otherwiſe than is herein provided, the Perſon or Perſons ordering or cauſing the ſame to be made ſhall for every ſuch Offence, on Conviction thereof before any Two of His Majeſty's Juſtices of the Peace for the County or Place, forfeit and pay the Sum of Fifty Pounds, and in default of Payment thereof the ſame ſhall and may be levied and recovered, by Warrant under the Hand and Seal of ſuch Juſtices, by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, rendering the Overplus (if any) to the Owner thereof; of which Penalty one Moiety ſhall be given to the Informer, and the other Moiety to the Uſe of the Poor of the Pariſh.

of Burial; or Grave made in any Church-yard at a leſs Diſtance than 20 Feet from the Walls of the Church.

Not to prevent Burials in Vaults.

LXXXI. And be it further enacted, That Accounts ſhall annually be laid before both Houſes of Parliament, of the Progreſs made by the ſaid Commiſſioners in Execution of the Purpoſes of this Act, ſtating the Number of Churches or Chapels built or building, the Stipends aſſigned to the Incumbents or Curates thereof, the Money expended, and for what Purpoſes, and all ſuch other Particulars as ſhall be neceſſary for explaining the Progreſs made in carrying the Purpoſes of this Act into Execution.

Accounts to be annually laid before Parliament.

LXXXII. And be it further enacted, That the Commiſſioners for the Execution of this Act ſhall and may receive and ſend all Letters and Packets relating to the Execution of the Powers of this Act, free from the Duty of Poſtage, provided that ſuch Letters and Packets ſhall be directed to "His Majeſty's Commiſſioners appointed under the Act for the build-"ing and promoting the building of additional Churches;" and that all ſuch Letters and Packets as ſhall be ſent by the ſaid Commiſſioners ſhall be dated from their ſaid Office, and ſhall be ſigned on the Outſide of ſuch Letters and Packets by ſuch Perſon as the ſaid Commiſſioners for the Execution of this Act ſhall appoint, with the Conſent of the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, under ſuch Reſtrictions and Regulations as the ſaid Commiſſioners of His Majeſty's Treaſury ſhall think proper and direct.

Commiſſioners may receive and ſend Letters free of Poſtage.

LXXXIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue of or in purſuance of this Act, until Fourteen Days Notice thereof in Writing ſhall have been given to the Secretary for the Time being of the ſaid Commiſſioners, nor after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and ſuch Action ſhall be brought in the ſaid Court of Exchequer in *England*, and ſhall be laid in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and

Limitation of Actions.

General Iſſue.

and if the ſame ſhall appear to be ſo done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Fourteen Days Notice thereof, or ſhall be brought in any other County or Place, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

Treble Coſts.

Powers of Biſhop, &c. not to be invalidated:

LXXXIV. Provided always, and be it further enacted and declared, That neither this Act, nor any Thing herein contained, ſhall extend to invalidate or avoid any Eccleſiaſtical Law or Conſtitution of the Church of *England*, or to deſtroy any of the Rights or Powers belonging to any Biſhop of any Dioceſe, or any Archdeacon, Chancellor, or Official.

But may exerciſe Eccleſiaſtical Juriſdiction.

LXXXV. And be it further enacted and declared, That he and they reſpectively may at all Times hereafter viſit, inſtitute, and exerciſe Eccleſiaſtical Juriſdiction in all the Pariſhes to be erected or divided by virtue or in purſuance of this Act, or in any Part or Place within the ſame, as amply as they or any of them may do now therein, and in ſuch Manner as in any other Pariſhes or Places within his or their Dioceſe or Juriſdiction reſpectively.

Act may be altered or repealed in this Seſſion.

LXXXVI. And be it further enacted, That this Act or any of the Proviſions thereof may be amended, altered, or repealed by any Act or Acts to be paſſed in this preſent Seſſion of Parliament.

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